MOTION FOR THE REMOVAL OF THE DEPUTY PRESIDENT

Mr. President: In dealing with these resolutions I propose first to read to the House Mr. P. Kumaran Ezhuthassan's motion and then ask Hon'ble Members who support it to stand in their places. I shall then read the other motions of which notices have been given by Mr. M. Krishna Menon and 19 other Hon'ble Members and ask Hon'ble Members who support that motion to stand in their places. I suggest it would be convenient to discuss the two motions together and at the end the decision will be taken. Probably one decision will be sufficient to deal with both the motions.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I with your leave, Sir, request that a slight verbal amendment be made in the first resolution namely that in the last but one line instead of the word "other" the word "various" be substituted.

Mr. President: The words seem to me to be practically synonymous. I think there is no objection for the amendment. Then I will read Mr. Ezhuthassan's resolution as amended.

"This Council do resolve that under section 19 (3) of the Government of Cochin Act, XX of 1113, M. R. Ry. Rao Sahib K. Ayyappan Avl., B.A., the Deputy President of the Cochin Legislative Council, be removed from his office because of the most undemocratic statement made by him on the floor of the House on 12th February 1944 namely,—

"I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government—and various unparliamentary ways indulged in by him while in the Chair."

I will now ask Hon'ble Members who are in favour of leave being granted to move this resolution to stand in their places.

More than 20 Hon'ble Members having risen in their places this resolution will be moved.

I shall now read the resolution of which notice has been given by Mr. M. Krishna Menon and stating—"This Council do resolve that under section 19 (3) of the Government of Cochin Act, XX of 1113, M. R. Ry. Rao Sahib K. Ayyappan Avl., B.A., the Deputy President, be removed from his office."

I will now ask Hon'ble Members who are in favour of leave being granted to move this resolution to stand in their places.

More than 20 Hon'ble Members having risen in their places, this resolution also may be moved.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, the momentous resolution which by kind leave of the House granted to me, made possible to be moved before this Hon'ble House reads thus in the form amended by kind leave of the Hon'ble Chair. "This Council do resolve that under section 19 (3) of the Government of Cochin Act, XX of 1113, M. R. Ry. Rao Sahib K. Ayyappan Avl., B.A., the Deputy President of the Cochin Legislative Council, be removed from his office because of the most undemocratic statement made by him on the floor of the House on 12th February 1944 namely,—I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government—and various unparliamentary ways indulged in by him while in the Chair." That, Sir, is the indictment that I have the duty of placing before this impartial and Hon'ble Tribunal for its appropriate verdict. The reading of the resolution will clearly show, Sir, that it has two parts, one dealing with a particular statement for which my Hon'ble and esteemed friend, the Hon'ble Rao Sahib is responsible. The other is, stated in general terms *viz.* "various unparliamentary ways indulged in by him while in the Chair". This aspect of the question may kindly be kept in mind. I shall first deal with the latter portion enumerating point after point according to my lights which appear to be unparliamentary, then come to the earlier use which I consider to be the climax of the follies of our esteemed Deputy President, and sit down waiting to hear able, eloquent, substantial, varied and various points of defence that, I am sure, will be put forward by eminent Hon'ble Members of this House who are protoganists of the Hon'ble Deputy President. And I shall attempt, Sir, with your leave, any useful point raised in defence to be met by me at the second time when I shall be on my legs. I shall request the Hon'ble Members of this House to bear one point before their minds and that is this. The clear background on which my indictment may be viewed may be kept prominently in view. That background will be the very fundamentals of parliamentary life, a repetition of which for emphasing and arresting the attention of this tribunal to enable them to give their correct verdict, is permissible. I shall only to state, Sir, what really are the functions and what correctly is the

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position of the Speaker or the President of a democratic and deliberative Assembly generally, and what these functions, positions and powers are with special reference to the Hon'ble President and the Hon'ble Deputy President of our dear Council. For the former, we naturally look to the earliest of Parliamentary institutions, namely the House of Commons and for the latter there are some indications in our Constitution Act and the Rules and Standing Orders of the Cochin Legislative Council. These evidently are not exhaustive. Even in the mother of parliaments, the procedure as laid down in the Rules and Standing Orderst hereof are not exhaustive, Anybody who had cared to look into the ways of the Parliament of England, of Great Britain and Ireland rather, would have understood that there are the original Standing Orders, and the first rules, some of them supplemented by additional Rules and Standing Orders, but the bulk, the great bulk of things that guide the deliberations of the Mother of Parliaments have been built up from time to time by conventions, all healthy and parliamentary practices starting from early days. Therefore, Sir, in the absence of specific provision in our Constitution Act, in our Rules, in our Standing Orders, we naturally look for guidance to the Mother of Parliaments in its practices traditions and conventions. That again, I may remind this Hon'ble Tribunal, has been the practice of 19 years of this dear Council of ours. With this general statement of things, let me also quote a few relevant passages from only one author, the standing author, the most eminent author, Erskine May just to place a few facts before this House. They are these. I am on the powers of the Speaker of the House. The Speaker of the House of Commons and his functions are seen embodied in May's Parliamentary Practices at a few of its pages. I am drawing the kind attention of this tribunal to a few of them. "The Speaker of the House of Commons is responsible for the due enforcement of the rules, rights and privileges of the House. He is in fact, the representative of the House in its powers, its proceedings and its dignity. The conduct of the Speaker cannot be debated, save on a substantive motion. Whenever the Speaker rises to interfere in the course of any debate—I request the Hon'ble Members of this House to bear in mind the words "whenever the Speaker rises to interfere in the course of any debate",—he has to be heard in silence. The Speaker shall, hold and enjoy a place, pre-eminence and precedence immediately after the Lord President of the Council". A very unique position indeed!

Now, Sir, with regard to the powers, position, and similar things of the Hon'ble President and Deputy President of this Council we have our Constitution Act, section 19, sub-clause (1) saying that the Diwan shall be the Ex-Officio President. The powers and functions of the Ex-Officio President are not any where mentioned specifically or in detail either in the Constitution Act or in the Rules or in the Standing Orders. But as regards the Hon'ble Deputy President's powers and duties, some passages occur both in the Act, in the Rules and in the Standing Orders. I will just refer this Hon'ble and Impartial Tribunal to a few of them. Section 19 (2) of the Constitution Act of Cochin says that the Deputy President shall be a member of the Council elected by the Hon'ble Members of the House. Under section 19 (4) the Deputy President shall preside over the Council during the absence of the President, and under clause (5) of the above section, the Deputy President shall be paid a salary fixed by an Act of the Legislature. Under Standing Order 5, the Deputy President shall have the same powers as President while so presiding. Under Standing Order 6, the Deputy President may have all or any of the powers of the President delegated to him by the President by order in writing. Under section 19 (3), the Deputy President may be removed, not on the whims of the members, but continues the section, (but by a resolution of the Council passed by a majority of the members then on the rolls of the House). Standing Order 26 is imperative that such a resolution can be moved only if 20 members rise in their seats and our Deputy President has in the Durbars of the State rank which is very much in the forefront and for what is not provided for in the Act, Rules and Standing Orders, we look to the practices, precedents and conventions of the Mother of Parliaments.

It has already been observed, Mr. President, that the Diwan is to be the Ex-Officio President of the House. Being a salaried officer of H.H. the Maharaja and the head of the Administration, the President of the Cochin Legislative Council has neither the peculiar prerogative nor the special position of the Speaker of the House of Commons. Till such time, therefore, Sir, that we succeed in having *an elected President* for our Council, the nearest approximation to the Speaker of the House of Commons, under the limitations of our Constitution, is the Deputy President of the Council. This last statement as also a few that follow are based on the authority of an eminent and distinguished constitutional lawyer and a veteran Parliamentarian at the same time.

The Deputy President of our Council is the only elected representative of the people of Cochin authorised to act as a *vin-culam* between the Government and the people in certain

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matters. His salary, small or big is not significant by reason of the amount, it is symbolic of the fact that he has some functions of the Government in him, that he is some what of an official in addition to his being *the leading non-official*. In the Durbars of the State our Deputy President has a distinct and distinguished role. From the non-official point of view, Sir, the preservation of the dignity, the privileges, the traditions and conventions of the House is peculiarly within the jurisdiction of the Deputy President who ought to act as the spear head of the House and the exponent of its rights and privileges. The Deputy President, Sir, has other functions to perform than to sit in the chair while the President is not in it. While sitting in that chair—the highest in the realm—the Deputy President can give rulings which might profoundly after the course of what might be called political thought and conduct, both inside and outside the House.

The Deputy President, Sir, has, therefore, a most unique position as far as this House is concerned. If, therefore, many are ambitious politicians—even a novice in the art—aspires to be the occupant of this high seat, it is not be because of the emoluments thereof, but the attraction, Sir, is the status and the dignity that goes with it and the glamour that surrounds this august Chair.

It is, Mr. President, a resolution for the removal of the present lucky incumbent of this—the highest Chair in Cochin—that I have undertaken the responsibility of moving before this Hon'ble House. I am well aware, Sir, of the seriousness of the step I am taking. It is, certainly, is not a small matter. It is, Mr. President, in no light-hearted mood that I have tabled this resolution. This motion, Sir, is not the outcome of any personal animosity, party differences or communal antipathy, as is being mischievously and assidously attempted to be made out by certain interested individuals and a few communal organs of the press. It is only my sense of duty to the public at large and my anxious desire to see that the dignity of this House, the prestige, privileges, traditions and conventions of this Council are in sure and safe hands that have prompted me to table this most momentous resolution.

This Council began to enjoy the privilege of electing its Deputy President only from the beginning of the 3rd Council. In the election of its first Deputy President and in a legislative-election consequent on the sad demise of its first Deputy President as also in the election of the Deputy President of the fourth Council the Hon'ble Members of this House are seen to have exercised their privilege wisely and critically. For want of time I shall not elaborate. The test with the House was simply the suitability of the candidate.

I now come to this the fifth, the sitting Council. The fifth Legislative Council of Cochin is, Mr. President, different and and distinct from its four predecessors for more reasons than one. The one difference which alone is relevant for the consideration of the issue on hand is that it is this Council that undertook to work the newly granted constitutional reforms. The illustrious politician Diwan President, Sir R. K. Shanmukham Chetty, on whose statemans-like advise the then Maharaja had been graciously pleased to grant us—His Highness loving and loyal subjects—the first instalment of constitutional reforms in the State, desired and rightly desired, I believe, to establish a very healthy convention regarding the choice of the Deputy President. He, Sir, freely gave out that so long as it is a Diarchical System of Government that this Council is privileged to work under the constitution, the Deputy Presidentship of the House should not go to the Party in power. The Head of the administration in the Diwan President, accordingly whipped up the block that he could to vote for the non-ministerialist candidate. But for that determined attitude taken up by Sir Shanmukham neither the first Deputy President of this the fifth Council nor his successor nor my good old friend the Hon'ble Rao Sahib would have been called to this enviable Chair at the time they were elected to occupy it.

Let us briefly examine, Sir, how far our present Deputy President has succeeded in discharging the duties appertaining to his high office? How far has the Hon'ble Rao Sahib endeavoured to preserve the dignity of this Hon'ble House. To what extent has the Deputy President succeeded in creating healthy Parliamentary traditions? What pains has our Deputy President taken to preserve even the established conventions of this Council? In short, what really is the quantum of success of the Hon'ble Deputy President during the long period he had been in office.

It has become my painful duty, Mr. President, to state that the Hon'ble Rao Sahib's performances as the Deputy President of this House has, unfortunately and against the expectations of his electors, been a dismal failure. Let me try to illustrate. Let me again exhort the Hon'ble Members to keep the back ground I have given prominently in view.

As I submitted earlier, I shall deal with the latter portion of my indictment first.—"Various unparliamentary ways indulged in by him while in the Chair", every word of that portion of the

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indictment, according to the best of my lights, had been weighed, re-weighed, caused to be weighed by others and the result is there. There was a slip which by the kind leave of the Hon'ble Chair I was able to have amended. Now, Sir, I shall only state a few facts and just place before this House the general import, the general effect or rather the cumulative effect of such actions of the Deputy President during a course of 1335 days during which our esteemed friend the Rao Sahib had been the Deputy President.

Mr. K. M. Ibrahim *(Cranganur):* What are the hours ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I thank the Hon'ble Member for the interruption. My friend will not succeed, please. Now, Sir, although not under rules, though not under convention, as a matter of convenience and as a matter of exigencies and for the reason that the Diwan happens to be the Ex-Officio President, the Diwan himself having in his Diwan's position various duties, he may not always find it possible to preside over the evening session. The Hon'ble Deputy President or in his absence one of the nominated Chairmen from time to time occupies the Chair in the afternoon session. This is a Council which is running its 19th year. This is a Council, Sir, which had the privilege of having distinguished visitors rather very often. I have personally heard from almost all of them who had graced our distinguished visitors' gallery with their very useful presence on former occasions, that the level of the debate, the conduct of business of this House will bear comparison with any Legislative Assembly in India. I am sure, Sir, if we seek, we shall be able to ascertain from our distinguished Hon'ble President of today how this House compares with the Mother of Parliaments. That is only by the way. I am privileged and proud, Sir, to have in the Distinguished Visitors' gallery of this day an eminent person.....

Mr. President: Order, order. The Hon'ble Member is not in order in referring visitors.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am sorry, Sir, for the digression. I bow to the ruling. I am submitting, Sir, that the unparliamentary methods indulged in by the Hon'ble Deputy President, while he presided in the afternoon sittings had its cumulative effect upon the House. And that effect is to bring down the level of the House very low indeed.

Mr. President: I may remind the Hon'ble Member that his time is nearly up. I have already intimated the Hon'ble Member that I intend to enforce the time-limit.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* According to me, Sir, the Deputy President who invariably presides in this House has not been able to keep up the dignity of this House. The dignity of this House has in short, been thrown to the winds. For want of time I can only give references, not debate on them. I refer to page 34 of Council Proceedings dated 25th July 1940. Our Deputy President, Sir, does not know how to put a motion to vote, a very elementary thing. There has been seen from the Chair today and on all occasions the present President was in the Chair that the Hon'ble President gets up from his seat before anything is put to the House. Even after seeing that, our Deputy President has not cared to imitate the President. The Deputy President cannot rule promptly. When the debate "wanders" he is not able to arrest the member to the position and keep him there. Page 349 of proceedings dated 10th February 1940. Cannot control the House. Too much scenes have occurred in this House, which to the Deputy President are not objectionable. But they are really objectionable according to Parliamentary standards. Pages 347 and 348 of Proceedings, dated 25th July 1940. Another thing I would say is, tried and experienced politicial and "practical politician" as my esteemed friend is, the Hon'ble Deputy President has shown in various ways that he does not know how to address the Hon'ble Members of this House. He has been "youing" us, Sir, and allowing himself to be youed by others. "You may go on, Mr. so and so go on, he assert to say. That is objectionable according to parliamentary methods. Pages 1179, of 27th May 1942, page 1217, of 28th May 1942, in page 142, of 30th July 1942 and 7th August 1942, Pages 428, 27, 28, 39. Then, ruling upon adjournment motions the less said about them the better. Refer Proceedings, dated 25th May 1942. The delinquent knows what it is. Then about personal and communal matters attempted from the Chair. The rule is emphatic, Sir, that the President cannot sway a debate. He can only state the issue before the House but he cannot sway the debate. Page 245, dated 3rd December 1941, page 238, dated 1st August 1942, page 426, dated 7th August 1942, pages 126 and 127 of 25th November 1942, pages 460 to 462, dated 22nd March 1943 and page 500, dated 23rd March 1943 and finally 13th February 1944. The result of these acts of omission and commission has been that the verdict that we used to get from eminent visitors who fortunately happen to be in our midst during the morning sittings, never in the evening sittings would have been the very opposite if they had been in the gallery when our Deputy President has had been in the Chair. If our House has come up to the level of very eminent assemblies

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elsewhere in the mornings, I must say, and that is my honest opinion and I can prove it, it has descended to low level, even to that of Billingsgate in the evening session when our Deputy President presides.

Now to the first part of my indictment namely the "undemocratic statement." Undemocratic, the statement is. This, I am sure, will not be controverted. But I grant, Sir, that the Deputy President or for the matter of that if we have President who can take the floor of the House, he is at perfect liberty to say whatever he thinks fit to state on any issue under discussion. That right is conceded. But the question before this House by whose vote alone he has gone to the high office is not whether the Deputy President is entitled to speak as he likes when he is on the floor of the House but whether this House will tolerate such a militant politician to be our representative who as stated by me earlier is to be the "spear head of this House and the exponent of its rights and previleges". The verdict, I am sure, Sir, can be only one way. Such a Deputy President is certainly not wanted. He must go.

One more word and I am done. One word about the past history the Hon'ble Member in his capacity as a member of the House. When the majority vote is the fundamental rock-bottom on which the legislative systems exist,—that will be easily conceded—when the Government is not bound under the constitution, to accept the majority vote of the House, the demand of this House had been and ought to be that our majority vote, even if it be a majority by one vote, should be accepted; and what has been the precedent of this House? When the Government on various occasions did not accept the majority decision of this House the utmost thing that was allowed by the constitution, namely throwing away of the Budget, was resorted to in two successive years in which I am proud to say the Hon'ble Deputy President, my esteemed friend had taken a prominent part. With that past history of my esteemed friend, I ask, request, solicit whether this impartial Tribunal is going to allow him to remain in that august chair to which he has gone by the vote of this House. This House has been the electors and the electors are now to decide whether he should be allowed to remain there, or whether he should be pulled down from there as becomes his undemocratic conduct. I have placed before this Hon'ble House my indictment against the delinqument. For want of of time I have been able to give only references. I completely placed all these things before the impartial tribunal. But they are so well known that dilation is not necessary. I humbly await a correct and impartial judgment. I thank the Hon'ble Chair as also the Hon'ble House for their indulgance.

Mr. K. M. Ibrahim *(Cranganur)*: Mr. President, Sir, it is a signal misfortune of mine that having heard an Hon'ble Member of this August Legislative Council for about half an hour I am at my wits end to find out a single solid point on which I can answer the mover of such an important resoluton as a resolution of non-confidence against an accredited Deputy President of this House. I take a consolation in the fact that this has not been the first opportunity of similar experience in this Council from the same source, and it has not been a surprise to the Hon'ble Members of this House, to hear certain members for a long time and then groping in the dark about any palpably definite point which he was adducing. Since we are accustomed to that argument, we are all free from a sense of supprise even in the present case. The most important point that has been printed in agenda as forming the provocation for this non-confidence motion is that the Hon'ble Deputy President, said "I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government."

I request the Hon'ble House to remember the occasion when this was said. The question was a question of apportioning the rights of the several minorities of the land when the issue was that certain communities were enjoying certain monopolies by historial reasons, by special attitudes, by special situations which were not under the control of this Council and in the revised distribution of those political rights of this country a mere number of votes of those communities who are enjoying these privileges can never be a consideration to the enlightened Government of Cochin. That was the point, when this statement was made. The statement was made when the issue before the House was that in the adjudication of the rights of the different sections in the Government of the Country of our Beloved Maharaja mere considerations of votes of the over-represented communities cannot be the decisive factor to an enlightened Government. That was the position. Here is a House which contains a majority of Members who are already enjoying special privileges. Certain communities are over represented and monopoly holders of political power in the land, and the when the Government of Cochin are to readjust these political rights again the Deputy President says that it is a lookafter of the Government to see

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that the mere numerical, arithmetical number of the votes is not going to be the final deciding point. I beg to submit before this House that it is not our humble Deputy President alone who has uttered such sentiments so far as the adjudication of the rights of the minorities of this land is concerned. Apart from this small Cochin State accredited leaders of the Public like Mr. Jinha of the Muslim League in their fight against the monopolists of the Hindu Community, Gentlemen, occupying eminent position in the political life of India, accredited leaders all over India have given expression to such sentiments in matters of adjudication of rights between the Hindus and Musalmans in British India.

Another point of the Hon'ble Member, is that he has nothing to do with the ruling of the Deputy President on the adjournment motion. Sir, I don't feel that I am called upon to say anything about wasting 15 or 20 minutes in reading the various sections. Sir, we have better things to do. We are all conversant with the major provisions of the Act and for the mere recitation of the various sections of the Act and for wasting the time of the House I don't feel I should say anything by way of answer.

Another point that the Hon'ble Member tried to argue out was that the Hon'ble Deputy President on certain occasions did not stand up in his seat when making observations. I distinctly remember that Sir R. K. Shanmukham Chetty, the accredited Parliamentary Authority in India, has on various occasions sat down in the Chair and made observations. If he is to be taken as an authority in these matters, there is nothing in our constitution, there is nothing in our Council Rules saying that the President whenever he wants to make an observation should stand up on his legs. The President assumes an exceptional position in this House. I should think that if he is over-courteous enough to stand up we will be thankful to him. But it is quite unnatural on our part to expect that the Presiding Gentleman should stand up whenever he wants to make an observation and I beg to submit that there have been precedents of great parliamentary authorities like Sir R. K. Shanmukham Chetty making various observation sitting on the Presidential Chair. That is my answer to that point.

The next and most important point which the Hon'ble Mover wanted to make out is that the Deputy President on certain occasions called Hon'ble Members of the House 'You' 'You' 'You'. But this very Member was referring to the President by saying 'You'. Do you not gentlemen remember various occasions on which even our President has called us 'You'.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* No. No.

Mr. K. M. Ibrahim *(Cranganur):* I remember various occasions. And I maintain that there is nothing unparliamentary about using the word 'You' by which we can invoke the great Almighty God. *(Laughter.)*

Regarding the adjournment motions the Hon'ble Member was as vague as vagueness itself. He simply said "Nothing said, the better". That is a point which I cannot answer. The unsaid point can be left unanswered. No argument can be raised against it because no argument was made. That kind of vague arguments do not deserve to be answered at all.

Then swaying the discussion. He said that the Hon'ble Deputy President was swaying the discussion of the House by his remarks. He was not pleased to give a single instance apart from saying date so and so, pages so and so, history and all that. He did not give us a single instance whereby these Hon'ble Members can have the material to form a judgment on his plea. So the best thing is to ignore that also.

Sir, the next point that the Hon'ble Member so eloquently put up was that the evening sessions are generally less lively under the guidance of the Deputy President.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I never said that Sir.

Mr. K. M. Ibrahim *(Cranganur):* My answer, to it, Sir, is that it is a question of human limitation. It is not a question of the special aptitude of the Hon'ble Deputy President. We are all human beings. We rise somewhere at 6 O'clock and we come here at 11 and we are fresh. But in the afternoon we are less fresh. We are more fatigued. It is a human limitation of every member excluding this himalayan energetic member. I beg to submit that however much he wants to put forth in the evening work he is never as lively as in the morning.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Question.

Mr. K. M. Ibrahim *(Cranganur):* It is a question without a reason.

I may also point out that one of the reasons which according to me has contributed to make the afternoon session less lively is that the Hon'ble Mover himself contributes more to the evening session. That is my experience. That is one of the main reasons. *(Laughter, loud and continued.)*

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We are thankful to the Hon'ble Member for his having reminded us how the Deputy President co-operated in throwing out the Budget. I may also remind him of the occasions when he led us in walking out of the Council as a protest against the Government. I request him to re-awaken in his admiration of the Deputy President and withdraw his motion.

Mr. M. Krishna Menon (*Trichur-North*): Sir, the ear of the Hon'ble and enlightened House has been granted to me to move that "This Council do resolve that under section 19 (3) of the Government of Cochin Act, XX of 1113, M.R.Ry., Rao Sahib K. Ayyappan, Avl.. B.A., the Deputy President be removed from his office". I must in duty bound thank the Hon'ble Members for granting me leave to deal with the motion.

On a momentous and signal occassion like this in the annals of the Cochin Legislature the very factum of 19 other similar resolutions being tabled by 19 other elected members in a House consisting of 36 elected members at present speaks volumes, and it would appear that silence is more expressive, more golden than a long speech in support of the motion.

Sir, on the vacancy created consequent upon the resignation of Mr. T. P. Poulose, the Deputy President, Mr. K. Ayyappan was elected to that exalted office of the Legislature at 5 p.m. on Karkadagam 8th, 1115 (23rd July 1940). Sir R. K. Shanmukham Chettiar the veteran Parliamentarian, was the Diwan President. Dr. A. R. Menon was the Minister for Rural Development; he was the leader of the Cochin Congress Party within the Council; Mr. C. R. Iyyunni, another member of the same Party was Mr. Ayyappan's opponent for the place of the Deputy President. Mr. Ayyappan belonged to the State Congress Party, and his success in the election as Deputy President, I am informed, inspired at that time the necessary confidence into the minds of the members who belonged to his party. Sir, now both the Hon'ble Minister and the Deputy President belong to the Unionist Party in power. I leave it there, Sir.

The position, Sir, of the Deputy President is that of the Speaker in the "Mother of Parliaments", a term heard in this House very often especially in the last few days. It is an office of great antiquity and dignity: "During the 19th Century the principle that the Speaker on his election ceased to belong to a party grew firmly established. Since Addington no Ex-Speaker has continued to sit in the House. Further, the practice has grown up of re-electing the Speaker at the beginning of each new Parliament as long as he is willing to stand. On four out of the five occasions during the 19th century, when the majority, passed from the party which had elected the Speaker, he was re-elected. For the exceptional case, when Speaker Manners-Sutton was opposed in 1835 by the Melbourne Government, allegations of interference in politics served as the ground". Mr. Whittley, the Speaker was never a party man, after he became Speaker. Mr. V. J. Pattel resigned even his primary Membership of the Indian National Congress on being elevated to the Presidentship of the Central Assembly. "To eat the cake and have it too" is to be given the go-by. Let me invoke Morely for my aid. "A political party, strange as this may seem is at the same time both the mightiest and one of the most delicate of human machines: Ever so slight a new personal element suffices at the shortest notice to awaken suspicions, preferences, exclusions, exaggeration, bits of small malice all multiplied daily and swollen in geometric progression by gossip. In this case partialities were undoubtedly identitied with honest differences of political leaning". "Ignorance maketh most men go into a party, and shame keepeth them from getting out of it". (Marquiss of Halifax.)

Rao Sahib K. Ayyappan, Sir, is the editor of a newspaper "Sahodaran", the organ of the Ezhuva community numbering about 3,27,129 and is the accredited leader of that big cummunity: (p. 169, Vol. IX, Part V, Cochin Legislative Council Proceedings). "ഞാനൊരു പ്രക്ഷോഭ യുഗകാരണ" പറയുകയാണ" references to the "Sahodaran" through questions has become the order of the day in the Council. I refer this Hon'ble House to Q. No. 42, dated 1st Dhanu 1119; Q. No. 137, dated 21st Karkadagam 1118 Mr. Ayyappan, sir, is the Ex. President of the S. N. D. P. Yogam. The vehement opposition evinced by him in the passage of the "Registration of Literary, Scientific and Charitable Societies Act" made even the Diwan President exclaim "If the Ezhuva Samajams are left out of the purview of this Bill, have you any objection ?": (P. III. Vol. X, Part III). Sufficient for the purppse, Sir, he is our Deputy President.

Let us for a moment examine how his beating the communal drum is a ground for removal. Instances are not wanting. I shall content myself by citing only two instances. (1) P. 126, Vol. X, part III) Mr. Moothedan was just moving the resolution for the abolition of communal electorates. At once the Deputy President said: "I may point out to the House, the implication of this resolution. If this resolution is accepted, the House will be committed to the principle of abolition of, special communal electorates". If Mr. Ayyappan had not been in the Chair, the suggestion was unobjectionable. (2). (P. 238, Vol. IX, Part VI): "If the Municipality

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spends funds for repairs, the tanks will be open to all". I hope these are sufficient to open the eyes of a dispassionate critic to the way in which the Chair leads the House. "Although the Speaker is restrained by usage while he is in the Chair in the exercise of his independent judgment, he is entitled in a committee of the whole House to speak and vote like any other member. Of late years, however, he has generally abstained from the exercise of this right". (Page 364, May's Parliamentary Practice). This high parliamentary canon, I submit, has been honoured more in the breach than in its observance.

Sir, now to another point. "In so large and active an assembly as the House of Commons it is absolutely necessary that the Speaker should be invested with authority to repress disorder and to give effect promptly and decisively to the rules and orders of the House. The ultimate authority upon all points is the House itself; but the Speaker is the executive officer by whom its rules are enforced. In ordinary cases the breach of order is obvious and is immediately checked by the Speaker; in other cases, if his attention is directed to a point of order at the proper moment, namely, the moment the alleged violation of order occurred, he at once gives his decision and calls upon the member in fault to conform to the rule as explained from the Chair. Doubtful cases may arise, upon which the rules of the House are indistinct or absolete, or do not apply directly to the point at issue; when the Speaker, being left without specific directions, refers the matter to the judgment of the House." On 10th February 1943, the Hon'ble Advocate-General raised a point of order. The Deputy President said "The ruling will be given tomorrow by myself or by the Hon'ble President". (Page 347, Vol. X, Part 8 Cochin Legislative Council Proceedings). Sir, the postponment of a ruling on a point of order is to my mind highly unparliamentary; it is but the postponment of the evil day.

Now, Sir, I come to a very important matter. The Hon'ble Members in their strife to receive more instalments of responsible Government expect in an elected non-official Deputy President an "open mind." The House was eagerly awaiting for the consent of the Deputy President to discuss an adjournment motion regarding the banning of processions and public meetings. Among five other adjournment motions disallowed it too had the same sad fate. (Page 1064, Vol. VIII, Part 12). "Detriment to public interest." Yes it is detrimental to public interest!

Now, Sir, I come to that most objectionable, unparliamentary statement made by Mr. Ayyappan who is our Deputy President now, on the floor of this Hon'ble House on the 12th of February 1944, *viz.*, "I hope the Government will not be guided by the number of votes, mere number of votes in this matter"—a statement which shakes the very foundations of the mighty edifice of democracy, a statement which shook the very foundations of this Hon'ble House, whose dignity, prestige and fair name are in our hands, whose guardian-angel is the Hon'ble Deputy President. "Number of votes in this matter." However, negligible, however un-understandable the matter be, votes are not negligible. Votes have a meaning; majority vote has a significance. Entering this Hon'ble House by a majority of votes, being elevated to the exalted office of the Deputy President by a majority of votes, it is heart-rending in that it is unparliamentary to hear that there is no efficiency or sanctity in the majority vote in a democratic world. At once I anticipate the counter argument, if it is one, that it was the statement of a member of the House. My answer is an emphatic "No". In the Hon'ble Deputy President, we find a member who has at the topmost of his voice protested the veto of the Government on motions passed by a majority of votes. The spliting argumant of water in the milk may be spilt on the floor of this House, but let us not cry over spilt milk.

Majority vote! Could the Hon'ble Deputy President be deposed except upon the majority vote of the members on the roll of the Council including the Treasury Bench? Sir, although the Treasury could not always count upon the vote of Mr. Ayyappan, any member has to count upon the votes of the Treasury Benches if he has to be elevated to the Hon'ble and exalted office of the Deputy President.

Sir, I have done. The "Liberal Lions demand a solid meal." Reverse is not dishonour and a disaster does not necessarily imply disgrace. Sir, we the members without an exception, both official and non-official want to be the custodians of the dignity of this Hon'ble House. "Honour is our family Treasure". Thanking the Hon'ble President, the Hon'ble Members and Mr. Ayyappan once again, I resume my seat.

Mr. V. K. Bhaskara Menon *(Cranganur)*: Sir, I desire to add a few words to the argument already advanced by the Hon'ble Members.

My submission to this House is that with the inauguration of the new reforms in 1939 by Sir R. K. Shanmukham Chetty it was established more or less as a semi-convention that if the Minister happens to be the member of a particular party that particular party won't set up a member of the same party to be the Deputy President. This sort of convention though not

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evidenced by any records will be borne out by the action of the Government when Rao Sahib Ayyappan became the Deputy President. Then the voting strength was 34 for Mr. Ayyappan and 22 for Mr. Iyyunni who happened to be the candidate of the Congress Party, the Ministerialist party then. My submission to this House is that the Government in voting for Mr. Ayyappan then was the result of that express convention established by Sir R. K. Shanmukham Chetty when he introduced the diarchical system in the Cochin State that for the proper working of diarchy in the State the Deputy President should not be a member of the Ministerialist Party. Then Mr. Ayyappan was a member of the opposition. The Ministerialist Party was the Congress Party and Dr. A. R. Menon was the leader of that Party and the then Minister. Now as things stand, Mr. T. K. Nayar, a member of the Unionist Party is the Minister and Mr. Ayyappan is a Member of the same Party. Under the circumstances I appeal to Mr. Ayyappan to honour the convention already established and not force the House to give verdict on the matter by resigning the Deputy Presidentship because in spite of all the suppressed laughter from the Ministerialist Party I still submit that it is the graceful and the only graceful thing that he can do because when he had been made the Deputy President with Government support I say it is absolutely unfair on his part to stick to it with the support of the Government.

Mr. A. B. Salem *(Mattancheri)*: Sir, it is a very painful matter for me to join the opposition to the Deputy President. The Deputy President and myself had been great friends all along and are still friends; but in the discharge of one's duty to the country it is always necessary that we should not allow friendship to weigh in considering matter arising in this Council and the country at large. The last time I refused to stand up, because whatever may have been the little faults that have been mentioned here, they were no grounds to bring a motion of this nature. Perhaps, this is the first time in the history of our Council in which we are tabling a motion against the Deputy President to be removed from the Chair. Immediately the Minister was not found doing that which satisfied the representatives at large, without showing any reason whatsoever the opposition party, without giving any plausible valid reasons, tabled a motion of no-confidence and removed him by the power of the vote. (A Voice: *No. No.*). You may read and everybody can understand and the Hon'ble Deputy President was one of those who stood up against the Minister. I have no quarrel with him. He was working as a member of a party and party discipline always demands that the members of a party must vote according to the party mandate. Although he did that, that was no reason why we should reciprocate that feeling and stand up against him for no reason. But his speech made on the last Saturday of the last sitting—I was not present here—when I read it I thought that it was time that he should be removed from the office. Immediately came to my notice that the dignity of this House and the trend of politics in our country is not correctly understood or managed progressively. I thought it my duty to table a motion for adjournment. But the Hon'ble President from the Chair said that the matter ought to have been raised when the speech was made. I was not present then. Otherwise, I would at once have controverted it. Therefore, when this proposition was tabled I thought it was my duty that I should also join.

Let us see, Sir, what is the trend of our argument. What I beg to submit is, this House is the result of an agitation to control an autocratic Government and we wanted to work in the ways of democracy. How can we do it? By controlling the Government more and more, by popular opinion, powerful popular opinion, by votes in this House and so on. That is the only way in which we can control the Government. We have not succeeded in controlling it fully still. We have tried to throw out the budget. Why? Not because we did not want our services in the Country, but for the purpose of controlling the Government. We have taken control little by little, step by step, by constitutional agitation inside and outside the House. When that principle is followed and when an Hon'ble Member either in his own personal capacity or in the interest of his own community subordinates the interests of the country at large to those minor interests then it is time to join issue with him. I perfectly appreciate all that the Hon'ble Member has done for his community. No one has done more for his community in this land than he has done. That is a matter of great appreciation to us. But I always join with him on the issue that the country must be placed before the community and the community come next. Sir. I represented a minority community inside this House. From my seat, I said, the minority seat must be abolished. My Hon'ble friend then said, "you may not come to this House at all". I bowed down to him and to his correct views. I did not come to this House for some time. But I have come back, boldly fighting single-handed.

Mr. C. V. Iyyu *(Kunnamkulam)*: Not by the number of votes.

Mr. A. B. Salem *(Mattancheri)*: Fighting openly in a Court of Law and not by a fight of corruption outside. I fought inside for justice, for principle and for law.

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Therefore the trend of democracy has been offended by the Deputy President and that is my only reason for joining this move. I think also, Sir, that the dignity of this House is always more than the dignity of an individual or community. The dignity of the House was offended when he said that the vote of this House should not be allowed to govern the Government. Government will only be glad to do that. They have been doing that. We know how the Government have been regretful in not being able to accept the recommendations of this House. Therefore we must not give another handle to the Government to say that the vote of this House must not be accepted by the House and mere number of votes should not followed. That is going against the principle of this House to wrest power little by little. Therefore I have to join issue with him and rise against him. That is my only reason. In other ways I have appreciation for the Hon'ble Deputy President. On this ground I think I must say that I am justified in rising against him.

The House rose for lunch at 1-35 p.m. and reassembled after lunch at 2-35 p.m. with the Hon'ble President in the Chair.

Mr. L. M. Pylee *(Latin-Chirstians-Ernakulam):* Mr. President, Sir,

As one who belongs to no party in this House I bestowed due attention upon this issue in its present form, namely, the removal of the Deputy President from his office. I thought that I shauld make a contribution to the debate so that it might be understood that I am not supporting the motion on account of any party interest or in the interest of any individual. I have got great deference and utmost respect to my friend Rao Sahib Ayyappan, the Deputy President, and it is with a sense of great delicacy, reluctance, and responsibility tha I decided to support this motion in its present form.

Sir, if I support this motion it is not on account of the several grounds adduced by my friend, Mr. Ezhuthassan. After all, I have no quarrel with the Deputy President because he does not stand up when he addresses the House or when he makes a statement. I have no quarrel with him if he calls anyone by the appellation "You". Probably he was calling my friend Mr. Iyyu many times which some of us perhaps, understood as "you". Let him sit or let him stand; I have no quarrel over that. But I decided to support the motion because of the importance that I attach to a great constitutional principle that stands predominant in the history of British-Parliamentary Procedure in connection with the position of its Speaker. The functions and powers of the 'Speaker' of the British House of commons have been dealt with by the previous speakers. It is not my purpose to repeat them but one point I want to bring to the notice of this House to show that the seemingly unimportant indictment levelled against the Deputy President—it might appear to some people as trivial—is of the greatest importance. I refer to the origin of the name "Speaker". Let me read two or three sentences from a certain authority so that members might understand that it is nothing of my invention. Here are a few lines. Writing of the 'Speaker' this author says.

> "The Speaker hardly speaks at all. He is called a Speaker because in olden days when the House of Commons wanted to make a protest or a statement to the King it was he who spoke for it in its collective capacity, the representative and spokesman of the House is Mr. Speaker".

Sir, if this is the origin and the fundamental principle underlying the position of the Speaker of the Mother of Parliaments how can it be imagined that the Deputy President who in our House, approximates to the position of the Speaker in the House of Commons, would have had the daringness to stand on the floor of this House to speak against the House to the Gevernment in spite of his being the spokesman of the House to the Government. Is it thus he guards the privileges and prerogatives of our Council?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Shame!

Mr. L. M. Pylee *(Latin-Christians-Ernakulam):* That is my position. Therefore even though I did not support the motion last time, when I saw the report of the statement made by the Deputy President appearing in the papers I suffered a shock, because of the constitutional devotion I have to democratic principles and democratic form of Government. Many people told me that it was after all nothing, that it did not matter much. Our Deputy President did not behave as a Speaker should have. I reiterate that one point, *viz*, He, the Deputy President, is our spokesman to the Government; he is the custodian of our privileges, he is to speak on behalf of the House to the Government, to the King. In spite of that what did he say? Here is the indictment. "I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government". I ask the House, are we to be counted as "mere number of votes"? Are we illiterate people?

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Are we the masses? Are we the rabble to be spoken of in such contemptuous terms as mere number of votes," Sir? We take it as insult to this House, whatever be the purpose of it. The purpose may be good or bad. It is a different matter. The purpose of it,—a gist of it was given here that it was in connection with some resolution—may be good. I am sorry I was absent on that occasion. May be I agree or I am against that resolution. All that is a different matter. But for him to stand up in this House and make a statement like that was most inconsistent with his position as Deputy President. One more thing. He says any member has his own right to advise the Government. Certainly. But is the floor of this House the place for him to give this advice to the Government? I daresay even the Speaker in the House of Representatives in the United States of America where the Speaker is a party man, where the Speaker is fully involved in party politics—he is not like the Speaker of the British Parliament, he is fully a party-man, he is the manager of the party—even he would not have dared to speak to the House "You go on and pass this Bill. I will go and advise my party man President Roosevelt to give his veto". Sir, with your indulgence just to show that this constitutional principle has been established long ago in British Parliament, here is an interesting incident to which I crave your indulgence to draw your attention for two minutes. I read the passage.

"Sir William Lenthal was Speaker of the House when Charles I rode into the Chamber with a troop of soldiers and tried to arrest five of its members. But the offending members had been warned and had vanished from the chamber before the King arrived. Advancing to the Speaker's Chair, Charles demanded to know whether any of the five members were present. Lenthal fell on his knees and replied 'May it please your Majesty, I have neither eyes to see nor tongue to speak in this place but as this House is pleased to direct me'. 'I see' said the King ',that all my birds are flown'. With that the crest-fallen monarch stalked out of the House amid cries of 'Privilege' 'Privilege'."

"As this House is pleased to direct me I have no eyes to see, no tongue to speak". Imagine. That was a Speaker and the memory of Sir William Lenthal is cherished in the heart of every Englishman and in the history of British Parliamentary practice. Now what did the tongue of Mr. Ayyappan say? We know in another incident during the time of Charles I, when he ordered the dissolutions of the House the Speaker who was subserviant to the King wanted to dissolve the House and go. Then the members caught hold of him made him sit forcibly in the Speaker's Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Such thing will be necessary here.

Mr. L. M. Pylee *(Latin Christian-Ernakulam):* I hope such things will not happen here. Sir, to resume my argument, the indictment that is brought against the Deputy President is not a slight matter. No. It goes to the root of the very fundementals of Democracy, the very fundamentals of Parliamentary form of Govornment which we are trying to introduce into our State and in its infantile stage we are offending, rather the Deputy President has offended, against the very fundamentals of democratic Government. It is for this reason and because of my devotion to democractic ideals and Parliamentary form of Government and because I do not want any outsider to say "You have got a Deputy President who is most undemocratic" that I, after long and due consideration, decided to support the motion in its present form.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Sir, I again remind you that I am not a good speaker in English. So I will read what I have to say.

I suggest that the proper thing now is for the Deputy Pesident to bring a motion of confidence. That is what the Hon'ble Minister who is the leader of the Party to which the Deputy President belongs did when he found himself in a similar predicament and who can deny that his diplomatic handling of the situation saved him from downfall. Here are 20 members, Hon'ble Members of this House, who have stood up and proclaimed to the rest of the House and to the world outside that they do not want the present Deputy President. More than 20 non-officials have stood up. This shows the majority of the elected representatives of this House are dissatisfied with the present Deputy President and have moved motions seeking his removal.

Some of the leading papers have given a caste Hindu colour to this Resolution. Now I ask whether the hon'ble member Mr. Pylee who strongly supported this resolution is a caste Hindu. Mr. A. V. Moothedan, a Christian of Christians, got up. Again Mr. Salem. Is he a caste Hindu. Mr. Mony and Mr. P. P. Devassy. Are all these caste Hindus?

Mr. K. M. Ibrahim *(Cranganur):* A few sparrows do not make a summer.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* I submit, Sir, it is the clear duty of the Deputy President to seek permission of the President to bring forward a motion of full confidence in him.

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If the Deputy President is afraid of a Savarna Deputy President we hereby undertake on behalf of our party that such a reason should not be his trump card in honouring himself from this predicament because we openly say that none of us intend to compete for this position.

Mrs. Thankamma N. Menon *(Womens Ernakulam):* Sir, Much has been said about this resolution. So I wish to speak only a very few words upon this resolution. The Deputy President is a person in whom the majority of the non-officials of this House should have confidence. We find from the various resolutions tabled in this House that the majority of the non-officials have no confidence in the present Deputy President. It is not a healthy sign. According to the Constitution Act also we are given full liberty to elect our man as the Deputy President and it clearly says that the Deputy President is not a nominee by the Government. The present Deputy President how he is holding his present and how the Government voted at that time has already been explained by several Members of this House. But if the Deputy President is always going to get the support of the Government block I am sure he will more or less be a nominee of the Government and not an elected Deputy President. So I request the House to give full consideration to this point and I request the whole House to support the resolution moved by the various Hon'ble Members.

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I am not as big a politician as the Hon'ble Member for Vadakkancheri or the Hon'ble Member for Trichur-North. But these two members of this House one is a vakil and the other is an advocate. Both as ordinary vakils or advocates are trying to confuse both this House and the electorate.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That is not the vakils.

Mr. C. V. Iyyu *(Kunnamkulam):* There are very few real lawyers in the world who have the principle of the expounding of law to be their ideal. The ordinary vakil or advocate anywhere in the world wants that his client should succeed and nothing more or nothing less.

Mr. A. V. Moothedan *(Chalakkudi):* Question.

Mr. C. V. Iyyu *(Kunnamkulam):* The position of the Deputy President of this House or any other subordinate legislature as of the type of this House is quite different from that of the Speaker or Deputy Speaker of the Mother of Parliaments which is a legislature with sovereign powers. The movers have not yet compared the Deputy President with the Deputy Speaker of the Parliament.

As far as Indian conditions are concerned the opinion of Sri Rajagopalachari whose capacity and experiance as a great politician and parliamentarian is worthy of noting. I referred about the subject of the Deputy President being a partyman, the position of the Deputy President and such other things which are of interest to this House today. Sri Rajagopalachari gave me the following replay. It is dated 'Madras, 19—1—1944.—(*Hear, hear*). "The Deputy President's position is anamalous. I do not think he need resign any position in the party by reason of his Deputy Presidentship. But if he resigns no one can object". (*Laughter*). Under the above circumstances the analogy of the Deputy President with President Patel or with the Speaker of the British Parliament is wrong. The second issue I have dealt is the so-called unexpressed convention established by Sir Shanmukham Chetty to support the candidate who is not a candidate of party in power. It is not corroborated by events in places other than Cochin. We have, —according to the Ex-Minister Dr. A. R. Menon's statement in this House,—only the shadow of a diarchy in this State" granted by Government of Cochin Act of 1113.

"The diarchy which we are working now is after all only a shadow of diarchy",

Mr. A. B. Salem *(Mattancheri):* That is why he is not here.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Where is he now, please?

Mr. C. V. Iyyu *(Kunnamkulam):* Wherever he be, that statement of his is correct. Even according to the diarchical system in Madras the President of the Legislative Council was an elected President. Here we have no elected President.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Work for it.

Mr. C. V. Iyyu *(Kunnamkulam):* At present we are working the reforms as it stands. Yes, we have only the shadow of a diarchy. There are other things also with which the powers of this House can be contrasted with the powers of the diarchical system of Madras. The position of the Diwan President here is not only that of the Speaker but of the Governor also. Something like the Governor.

Mr. A. V. Moothedan *(Chalakkudi):* Then what about the Maharaja?

Mr. C. V. Iyyu *(Kunnamkulam):* The Maharaja is not a Governor. He is the sovereign. It is surprising the Hon'ble Member is not aware of this elementary principle.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Wisdom indeed!

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Mr. C. V. Iyyu *(Kunnamkulam):* A Prominent Justicite who has been a member of the Madras Legislative Council for six years, Mr. M. S. Sreshta writes to me that the President and the Deputy president can continue as such in the politicial parties.

Mr. V. K. Bhaskara Menon *(Cranganur):* Please read that also.

Mr. C. V. Iyyu *(Kunnamkulam):* The analogy which has been raised by the Hon'ble Member for Trichur as well as the Hon'ble Mover are both incomparable with the conditions that exist here. The statement made by the Hon'ble Member for Kanayannur Ezhuvas representative of a special communal constituency, under the separate communal electorate system can speakout on the floor of this House in any way in which he choses to speak in the interest of his constituence. To apply this as one of the reasons for removal from the position of Deputy President looks rather ridiculous! The Cochin Kanayannur Ezhuva Member will not lose his rights and privileges as a member of this House simply because he happens to be the Deputy President of our Legislative Council.

The questions raised both by the Hon'ble Mover as well as his supporters about the rulings given by the Deputy President in this House as Deputy President can be better answered by more competent authorities than myself and probably by the Kanayannur Ezhuva Member himself. I may also remind this House that when the Hon'ble Member for Kanayannur was elected as Deputy President.....

Mr. A. V. Moothedan *(Chalakkudi):* Who is the Hon'ble Member for Kanayannur.

Mr. C. V. Iyyu (*Kunnamkulam*): Just read through the Constitution Act.

Mr. A. V. Moothedan *(Chalakkudi):* Hon'ble Member for Kanayannur Ezhuvas.

Mr. C. V. Iyyu (*Kunnamkulam*): Yes. Excuse me please.

I may also remind the House that when the Hon'ble Member for Kanayannur Ezhuvas was elected as the Deputy President he was a candidate of the State Congress Party then existing. The membership of the State Congress Party was only 7 in number. The number of votes he secured was read out to this House by the Hon'ble Member for Cranganur who has knowedge and is one who knows as to who all voted for him

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* We know.

Mr. C. V. Iyyu *(Kunnamkulam):* I don't know. So the fact that he was then a party candidate and belonging to that party which was not than in power is no excuse for saying that he should not continue as Deputy President simply because the opposition party of those days got power now. I take this opportunity to bring to the notice of this House a statement made by Mr. Ramachandra Ayyar, the Hon'ble Member for Nellayi when the Child Marriage Restraint Act had its third reading. The speach can be read here. When the Bill was passed at the third stage Mr. Ramachandra Ayyar said the following. The last sentence is this. "അതുകൊണ്ട് സാക്ഷാൽ പ്രത്യക്ഷദൈവത്തിന്റെ അടുക്കൽപോയി അപേക്ഷിച്ചുനോക്കാമെന്നകരുതിയും അതിന്നുവേണ്ടി പ്രവൃത്തിക്കുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടും ഇതിനെ ഞാൻ എതിക്കുന്നു." What is പ്രത്യക്ഷദൈവം?

Mr. T. A. Ramachandra Ayyar *(Nellayi):* I was not the Deputy President.

Mr. C. V. Iyyu *(Kunnamkulam):* It means that "I am going to approach the visible God to see that Royal assent is not given to this measure which was passed by this House" Who is the 'visible God'? Every body knows that it is none but H. H. the Maharaja!

Mr. A. B. Salem *(Mattancheri):* He is entitled to do that.

Mr. C. V. Iyyu (*Kunnamkulam*): I do not deny His Highness' prerogative. But a flouting of the mandate of this House was the Act done by the Hon'ble Member for Nellayi in using that sort of threat levelled against the whole House.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* That wording is not the same in tone as is stated here.

Mr. President: I do not think the the Hon'ble Member need interpret. Hon'ble Members are capable of judging.

Mr. C. V. Iyyu *(Kunnamkulam):* There is another. statement of the Hon'ble Member for Nellayi in connection with the same Bill. During the discussion of the Bill it was said that this is a minority question, the majority should not by the over-powering of votes ride over the religious feelings or sentiments of the minority, namely, Brahmins. This House as well as all the other democratic Houses should make it a covenant on that the interests of the minorities should not be over-ridden by the over-powering majority.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That was an appeal to the House. It is quite in order.

Mr. C. V. Iyyu *(Kunnamkulam):* The Hon'ble Member for Trichur has raised another point about the ruling given to certain adjournment motions of the 24th May 1942, an incident which has happend two years back!—Yes, the memorable 24th May 1942!—I have read the whole portion of the Council Report of that day. I have read very minutely. This House ought to understand what was the situation of the world then. (Laughter).

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Not of Cochin.

Mr. C. V. Iyyu *(Kunnamkulam):* Even Cochin itself. These adjournment motions where about (*i*) The war scare in Cochin, (*ii*) Evacuation of people from Cochin,—(*iii*) Another Adjournment motion to discuss about the reasons of the Police Strike,—(*iv*) The ban on public meetings etc., etc.,! The Council met in May after being postponed in the month of April. The Huzur Office was ordered to be shifted from Ernakulam to Trichur. Singapore and Burma passed into the enemy hands only 2 months back! Every moment the people were expecting a landing of the Japanese on the shores of Cochin. Sir, there are "popular causes" and "people's cause". This House should differentiate between "people's causes" and "popular causes". "Popular causes" may be good for election purposes and propoganda purposes. But "people's cause' is sometimes very different from the so called popular cause". (A voice: A matter of opinion). It may be a matter of opinion. Perhaps, there may be members in this House who believe that an Asiatic race like the Japanese will be better rulers for India. (Several Voices: No. no.) If the differentiation from "popular causes" and "people's causes" are only matters of opinion. the Hon'ble Deputy President has every privilege to hold another opinion! He might have taken that the "people's cause" is different from the so-called "popular cause". Hence he might have disallowed these half a dozen adjournment motions using his discretion that such questions as the discussion on the evacuation, or on the question of the Australian Soldiers' activities here, discussion about the Police strike, discussion about the war scare in Cochin would be more to the injury of the people's cause than jump for cheap popularity on taking up so called popular causes!

Mr. A. B. Salem *(Mattancheri):* Sir, I rise to a personal explanation.

Mr. President: Order, order.

Mr. C. V. Iyyu *(Kunnamkulam):* You sought leave to discuss about the war scare prevailing in Mattancheri. I distinctly remember that.

Mr. A. B. Salem *(Mattancheri):* Please show.

Mr. C. V. Iyyu *(Kunnamkulam):* I shall show it just now if I am given that book! I would appeal to this House that there may arise such emergencies in the State even in future. We are not yet out of danger and in such emergencies the Deputy President whoever he be ought to be sensible. He ought to take into consideration the people's interests and not the so-called interests of the popular cause that he ought to disallow similar adjournment motions in the interests of the people of Cochin, in the interests of the beloved subjects of His Highness the Maharaja and not for reasons which the so-called democrats take as popular causes! Generally democracy is misrepresented or misinterpreted as mobocracy. I hope that Members of this House are sufficiently learned enough and experienced enough to distinguish between mobocracy and democracy.

A word about the Hon'ble Mattancheri Member's statement that he came to this House again with people's mandate! Sir, his rival candidate, a Hindu gentleman, whatever be the reasons for his being driven out of the Council got more than 2,000 votes in excess of the Hon'ble Member; but by a quibble of the law he was asked to vacate the House and the election commission declared Mr. Salem as the lawfully elected member of this House. Technically your position is correct. But you ought to have resigned from this House, stood for re-election again and ought to have made known to this House and the public of Cochin that the Strength of the people is behind the member! The legality of your position may be all right. Democratic institutions in Europe, France and England, have established several healthy conventions. The premiers of those House have resigned their seats and did not continue in their seats in spite of the technical majority. (A voice: You resign). I have come here by the power of the people's vote. Why should I resign? I have come here not by a decision of a court of law. (Laughter, loud and continued). Mr. Neville Chamberlain resigned his ministry even though he won by a majority the vote of confidence of the House of Commons. He

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resigned counting and adding together even the votes of the neutrals to be against him! He did not stand on the technicality of having won a no-confidence motion. Such are the functions established by real democrats and real leaders of people and not coming to this House by the force of law and keeping on here by shere technicality.

Sir, I think I need not waste the time of the House further. I think this House has sufficiently understood the motive behind this motion for removing the Deputy President I may here quote the statement of a Hindu leader of the State. At least one or two caste Hindus in this State had sufficient sense to issue statement on this subject. The Hindu Gentleman I am refering writes that even the agitation for Pakhisthan came because of the fault of the Hindus. It has now begun to be admitted by thinking leaders like Sri Rajagopalachari. Of course, democracy is quite all right if it suits the country where it is worked out! Our democracy here is after all the democracy which has not got the sanction of the people behind it. Not even 50 per cent of the people in the State are not voters in the Legislative Council Election. There is no adult franchise. There is not even literary franchise which the Indian Provinces enjoyed for the last six or seven years. Such a democracy which is represented practically by less than half the number of the people cannot be called a full democracy. Real democratic conventions ought not to be brought into play for the time being! We should avoid such agitations like Pakhisthan as outside our State. There has been and there is yet sufficient communal amity and people who belong to different communities have been living here like brethren and will live here like brothren provided we do not cause such undesirable overwhelming of the numerical strength of votes, to use the words of the Hon'ble Member for Cranganur, arithmetical number of votes. With this I resume my seat.

മിസ്റ്റർ പി. നാരായണമേനോൻ: സർ, വളരെ വ്യസനകരവും എന്നാൽ അത്യാവശ്യവുമായ ഒരു സംരംഭത്തിന്നാണു് ഞാൻ മുതിരുന്നതു്. ഈ പ്രമേയത്തെ പിന്താങ്ങുക എന്നുള്ളതു് അത്യാവശ്യമായിട്ടുള്ള ഒരു കാര്യമാണു്. അതേസമയത്തുതന്നെ അതു വ്യസനകരവുമാണു്. ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടിപ്രസിഡണ്ടായ മിസ്റ്റർ അയ്യപ്പനു് എന്റെ സ്നേഹിതൻ എന്ന നിലയിൽ വ്യസനകരമായ എന്തെങ്കിലും സംഭവിച്ചുകാണുന്നതു് എനിക്കു ഇഷ്ടമുള്ള ഒരു കാര്യമല്ല. എന്നാൽ പ്രജായത്ത ഭരണസിദ്ധാന്തങ്ങളെ ബഹുമാനിക്കുന്ന ഒരു പൌരൻ എന്ന നിലയിൽ എനിക്കു അദ്ദേഹത്തിന്റെ ഇതിനുമുമ്പുണ്ടായ പ്രവൃത്തികളെ എന്റെ സ്വൽശക്തികളും ഉപയോഗിച്ചു എതിർക്കാതിരിക്കുന്നതിനുനിവൃത്തിയില്ല. ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടിപ്രസിഡണ്ടിന്റെ പ്രവൃത്തികൾ പ്രജായത്ത ഭരണസിദ്ധാന്തങ്ങൾക്കു എതിരാണെന്നു സ്ഥാപിക്കുന്നതിനുവേണ്ടി ഞാൻ അമേരിക്കയിലേക്കോ, ഇംഗ്ലണ്ടിലേക്കോ പോകണമെന്നു് വിചാരിക്കുന്നില്ല. അതുപോലെതന്നെ റൂസ്വെൽട്ടോ രാജഗോപാലാചാരിയോ ജയക്കരോ എന്തെല്ലാമാണു് പറഞ്ഞതു് എന്നു അന്വേഷിക്കുന്നതിനും ഞാൻ ഭാവമില്ല. അദ്ദേഹം ഇവിടെ പ്രസ്താവിച്ചതു് വോട്ടുകളുടെ വെറും സംഖ്യകൊണ്ടു് ഒന്നും തീരുമാനിക്കരുതു് എന്നാണു്. ഈ വോട്ടുകളുടെ വെറും സംഖ്യകൊണ്ടു് തീരുമാനിക്കരുതു് എന്നു അദ്ദേഹം പറഞ്ഞതുകൊണ്ടു് വോട്ടുകളുടെ സംഖ്യയിൽ അതായതു് വോട്ടുചെയ്യുന്ന ആളുകളുടെ ഉത്തരവാദബോധത്തിൽ അദ്ദേഹത്തിന്നു ഒട്ടും വിശ്വാസമില്ല, അദ്ദേഹം അതിനെ ആദരിക്കുവാൻ ഒട്ടും ഒരുക്കമില്ല എന്നുള്ളതാണു് തെളിയുന്നതു്. ഞങ്ങളിൽ ചിലർ തിരഞ്ഞെടുപ്പുകഴിഞ്ഞിട്ടു കുറെകാലമായതുകൊണ്ടു് ഇപ്പോൾ ജനങ്ങൾക്കു ഞങ്ങളിലുള്ള വിശ്വാസം കുറഞ്ഞുപോയിട്ടുണ്ടോ എന്നു സംശയിച്ചു. ഈ കൌൺസിൽ പിരിച്ചുവിടേണ്ടതാണു് എന്നിവിടെ ഒരു പ്രമേയംകൊണ്ടുവന്നസമയത്തു് പിരിച്ചുവിടേണ്ട ആവശ്യമില്ല, പരിപൂർണ്ണ ഉത്തരവാദബോധത്തോടുകൂടിയാണു് ഇന്നുവരെയും പ്രവൃത്തിച്ചുകൊണ്ടിരിക്കുന്നതു് എന്നാണു് സകല ആളുകൾക്കും വിശ്വാസം എന്നുള്ള നിലയിലാണു് അതു തള്ളിപ്പോയതു്. ഗവൺമെണ്ടും ആ വിശ്വാസത്തെതന്നെയാണു് മുറുകെ പിടിച്ചുകൊണ്ടിരിക്കുന്നതു്. അങ്ങിനെയിരിക്കുന്ന ഗവൺമെണ്ടിനോടു് ജനങ്ങളുടെ അല്ലെങ്കിൽ, ജനങ്ങളാൽ തിരഞ്ഞെടുക്കപ്പെട്ട അംഗങ്ങളുടെ ഭൂരിപക്ഷം വോട്ടസമ്പാദിച്ചു് ഡെപ്യൂട്ടിപ്രസിഡണ്ടായിരിക്കുന്ന റാവുസാഹിബു് മിസ്റ്റർ അയ്യപ്പൻ പറയുന്ന ഈ മെമ്പർമാർ ഉത്തരവാദബോധമില്ലാത്തവരാണു്, അവർ ജനങ്ങളുടെ പ്രാതിനിദ്ധ്യത്തെ അർഹിക്കുന്നില്ല, അവർ എന്തെല്ലാമൊ അടിസ്ഥാനപ്പെടുത്തി വോട്ടുചെയ്യുന്നു എന്നുള്ളതു അവരുടെ വോട്ടിനൊ അവരുടെ അഭിപ്രായത്തിനൊ യാതൊരു വിലയുമില്ല, അവർ പറയുന്നതു് സ്വീകരിക്കേണ്ട ആവശ്യമില്ല,

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അവരുടെ വെറും വോട്ടുകളുടെ എണ്ണംമാത്രം നോക്കി ഉത്തരവാദമില്ലാതെകണ്ടു യാതൊന്നും പ്രവൃത്തിക്കരുതു് എന്നു്. ഇവിടെ നടക്കുന്ന വോട്ടുകൾ വെറും വോട്ടുകളായിമാത്രം കണക്കാക്കിയാൽമതി, ഗവണ്മെണ്ടു പ്രവൃത്തിക്കേണ്ടതു് നേരെമറിച്ചാണു എന്നു അദ്ദേഹം ഗവണ്മെണ്ടിനോടുപറയുമ്പോൾ അതിൽനിന്നും മനസ്സിലാക്കേണ്ടതു് അദ്ദേഹത്തിനു ഇവിടത്തെ മെമ്പർമാരുടെ വോട്ടിൽ വിശ്വാസമില്ല എന്നതെളിയുന്നുണ്ടു്. പ്രജായത്ത ഭരണസിദ്ധാന്തത്തിൽ അദ്ദേഹത്തിനു വിശ്വാസമില്ലെന്നുമാത്രമല്ല ഇവിടെയുള്ള ജനങ്ങളുടെ ഉത്തരവാദബോധത്തിലും ഇവിടെയുള്ള അംഗങ്ങളുടെ പ്രാതിനിദ്ധ്യത്തിലും ഒന്നും അദ്ദേഹത്തിനു വിശ്വാസമില്ല എന്നുള്ളതാണു തെളിയുന്നതു്. അദ്ദേഹമായിരുന്നു ഇവിടത്തെ ഭരണകർത്താവു് എങ്കിൽ തീച്ചയും സ്റ്റാലിനെപ്പോലെയൊ ഹിറ്റ്ലറെപ്പോലെയൊ ടോജോനെപ്പോലെയൊ ഒരു ഡിക്ടേററായി യാതൊരാളുടേയും അഭിപ്രായം അറിയാതെ ഈ രാജ്യത്തെ ഭരിക്കുന്നതിനു അദ്ദേഹം ഒരുങ്ങുമായിരുന്നു എന്നുകൂടിയാണു് ഇതിൽനിന്നും വ്യക്തമാകുന്നതു്. അങ്ങിനെയുള്ള ഒരു ഡിക്ടേററർ നമ്മുടെ പ്രാതിനിദ്ധ്യം വഹിച്ചു് നമ്മുടെ ഡെപ്യൂട്ടിപ്രസിഡണ്ടായി ഇവിടെ വത്തിച്ചുകാണണമെന്നു എനിക്കു് ആഗ്രഹമില്ല. ഒന്നുകിൽ ഓരോ നിയോജകമണ്ഡലത്തിനേറയും പ്രാതിനിദ്ധ്യംവഹിക്കുന്ന അംഗങ്ങളിൽ വിശ്വാസമില്ലെന്നു സൂചിപ്പിക്കത്തക്കവിധത്തിൽ ഇവിടെ പരസ്യമായിട്ടു ഡെപ്യൂട്ടിപ്രസിഡണ്ടു പ്രസ്താവിച്ചു അതേനിമിഷത്തിൽ എല്ലാ അംഗങ്ങളും രാജിവെക്കണം അതല്ലെങ്കിൽ ഡെപ്യൂട്ടിപ്രസിഡണ്ടിനെ ആ സ്ഥാനത്തുനിന്നു നീക്കംചെയ്യണം എന്നാണു് എനിക്കുതോന്നുന്നതു്. ഞാൻ എന്റെ സ്വന്തനിലയിൽ രാജിവെച്ചാലൊ എന്നു ആലോചിക്കുകയുണ്ടായി. വാസ്തവത്തിൽ കൌൺസിലിൽ പോയതുകൊണ്ടു് വലിയ വിശ്വാസമൊന്നും ഉണ്ടാകയില്ലെന്നാണു് ഞാൻ വിചാരിക്കുന്നതു്. ജനങ്ങളുടെ പ്രാതിനിദ്ധ്യംവഹിച്ചു്, ജനങ്ങളുടെ അഭിപ്രായമറിഞ്ഞു് ജനങ്ങൾക്കുവേണ്ടി എന്തെങ്കിലും പ്രവൃത്തിക്കുവാൻ സാധിക്കുകയില്ലെന്ന ബോദ്ധ്യം വരികയാണെങ്കിൽ ജനങ്ങളുടെ പ്രതിനിധി എന്നുള്ളനിലയിൽ ഇവിടെ വന്നിരുന്നു് ജനങ്ങളെ വഞ്ചിക്കുന്നതിൽഭേദം നിശ്ചയമായും രാജികൊടുത്തു് ഉള്ള സംഗതി ജനങ്ങളോടു തുറന്നുപറയുകയാണു് എന്റെ ഉത്തരവാദിത്വം എന്നു എനിക്കുതോന്നുന്നു. ഞാൻ രാജികൊടുക്കാഞ്ഞതു് ഒരു കാരണംകൊണ്ടാണു്. ഇവിടെ ഇന്നു തിരഞ്ഞെടുക്കപ്പെട്ട അംഗങ്ങളിൽ ഭൂരിപക്ഷവും ഡെപ്യൂട്ടിപ്രസിഡണ്ടായ മിസ്റ്റർ അയ്യപ്പൻ ഡിക്ടേററായി വരുന്നതിൽ ഏതിരാണെന്നു ശക്തിയായി എതിർത്തിട്ടുണ്ടു് എന്നുള്ളബോദ്ധ്യം വന്നിട്ടുള്ളതുകൊണ്ടുമാണു് ഞാൻ അങ്ങിനെ ചെയ്യാഞ്ഞതു്. അതുകൊണ്ടു് ഈ അവിശ്വാസപ്രമേയം ഇവിടെ സാധുകരിക്കുന്നതിനു പഴയ ചരിത്രം പരിശോധിക്കുകയൊ രാജഗോപാലാചാരി, ജയക്കർ മുതലായ വലിയവലിയ രാജ്യതന്ത്രജ്ഞന്മാർ ഏതുതരത്തിൽ എന്തെല്ലാം പറഞ്ഞിട്ടുണ്ടു് എന്നന്വേഷിക്കുകയൊ ചെയ്യേണ്ട ആവശ്യമില്ല. അമേരിക്കയിലെ പാർളിമെൻറിൽ, അല്ലെങ്കിൽ ഇംഗ്ലണ്ടിലെ പാർളിമെൻറിൽ ഈ തരത്തിൽ എന്തെല്ലാം സംഭവങ്ങൾ നടന്നിട്ടുണ്ടു് എന്നും അറിയേണ്ട ആവശ്യമില്ല. നമ്മുടെ ഡെപ്യൂട്ടിപ്രസിഡണ്ടു് അദ്ദേഹത്തിന്റെ മറവു യോഗ്യതകൾ എന്തൊക്കെയായിരുന്നാലും പ്രജായത്തഭരണത്തിൽ താല്പര്യമുള്ള ഒരുവനല്ലെന്നു ഇവിടെ തുറന്നുപറഞ്ഞിട്ടുണ്ടു്. ജനങ്ങൾ അതെല്ലാം അക്ഷരംപ്രതി വിശ്വസിക്കുന്ന ആളുകളാണു്. പ്രജായത്തഭരണസിദ്ധാന്തത്തിൽ വിശ്വാസമില്ലാത്ത ഒരാൾക്കു പ്രജായത്തഭരണസിദ്ധാന്തത്തെ അടിസ്ഥാനപ്പെടുത്തി രൂപീകരിച്ചിട്ടുള്ള ഈ സഭയുടെ ഡെപ്യൂട്ടിപ്രസിഡണ്ടായിരിക്കുവാൻ ഒരിക്കലും അർഹതയില്ല. ഇത്രയും സംഗതിമാത്രമേ ഇതിനെക്കുറിച്ചു ഞാൻ പറയുന്നുള്ളൂ. അതുകൊണ്ടു് എന്റെ സ്വതന്ത്രശക്തിയും പ്രയോഗിച്ചു ഞാൻ ഈ പ്രമേയത്തെ പിന്താങ്ങുന്നു.

മിസ്റ്റർ ബി. എം. പീററർ: മിസ്റ്റർ പ്രസിഡണ്ടു്, സർ, ഇങ്ങിനെ ഒരു പ്രമേയം ഈ കൌൺസിലിൽ കൊണ്ടുവന്നതിനെപ്പററി ഞാൻ ഈയവസരത്തിൽ വ്യസനിക്കതന്നെ ചെയ്യുന്നു. ഇതിന്റെ പ്രാരംഭംമുതൽ ഓരോ അവസരവും സൂക്ഷിക്കുന്നതായാൽ ഈ പ്രമേയത്തിനു ഒരു സമുദായകളർ കൊടുത്തിട്ടുണ്ടെന്നു് തെളിയുന്നതാണു്. ഞാൻ ആദ്യമായിട്ടു ഈ പ്രമേയാവതാരകന്മാരെതന്നെ നിങ്ങളുടെ മുമ്പാകെ കൊണ്ടുവരുന്നു. അവരിൽ ചിലരുടെ പേരുകൾ ഞായിക്കാം, മെസ്സേഴ്സ് എം. കൃഷ്ണമേനോൻ, സി. കെ. നായർ, കെ. നാരായണമേനോൻ, എം. നാണുമേനോൻ, കെ. കുഞ്ഞിരാമമേനോൻ, വി. കെ. ഭാസ്കരമേനോൻ, പി. നാരായണമേനോൻ, മിസ്സിസ്സ് തങ്കമ്മ എൻ. മേനോൻ, എ. ഈച്ചരമേനോൻ മുതലായ മേനോന്മാരും, ബാക്കി അയ്യർമാരും, പിന്നീടുള്ളതു അവരോടു ചേർന്നു

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നില്ക്കാവുന്ന സവർണ്ണ ഹിന്ദുക്കളുമാണ്. ഞാൻ മൻപറഞ്ഞ അഭിപ്രായം ശരിയാകുവാൻ ഈ പേരുകൾ പോരേ? അതു നില്ക്കട്ടെ. നമ്മുടെ ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടിപ്രസിഡണ്ടവർകളെ തൽസ്ഥാനത്തുനിന്നു് നീക്കം ചെയ്യത്തക്ക യാതൊരു കാരണവും ഈ അവതാരകന്മാർക്കു് തെളിയിക്കുവാൻ സാധിച്ചിട്ടില്ല. ഈ പ്രമേയം കഴിഞ്ഞ മകരം സെഷനിൽ അവതരിപ്പിക്കുന്നതിനു് കൊണ്ടുവരപ്പെട്ടുവെങ്കിലും അന്നു് അവർ അവതരിപ്പിക്കാതെ കാരണം തേടിനടക്കയായിരുന്നു. ഇവിടെ പറയുന്ന ഒരു കാരണം അതെ, ഏകകാരണം അന്നു ഈ പ്രമേയം അവതരിപ്പിക്കുന്നതിനു നോട്ടീസ്സു് കൊടുത്തതിനു ശേഷമുണ്ടായിട്ടുള്ള ഒന്നാണു്. അതുകൊണ്ടുതന്നെ ഈ സഭയ്ക്കു ധരിക്കാം അകാരണമായിക്കൊണ്ടു വരപ്പെട്ട ഒരു പ്രമേയമാണു് ഇതു് എന്നു്.

ഇതിനുംപുറമെ ഈ പ്രമേയത്തിന്റെ ഉത്ഭവത്തിനുള്ള ചില കാരണങ്ങളും കുറെയെല്ലാം ഇതിന്റെ അവതാരകനിൽനിന്നുതന്നെ മനസ്സിലാക്കുവാൻ എനിക്കു് സാധിച്ചിട്ടുണ്ടു്. ഞങ്ങളുടെ യൂണിയനിസ്റ്റ്പാർട്ടി വളരെ സൌഹാർദ്ദതയോടുകൂടിയും, പരസ്പര വിശ്വാസത്തോടുകൂടിയും, സാമാധാനപരമായി നടന്നുവന്നിരുന്ന ഒന്നാണു്. ഭാഗ്യവശാലൊ, നിർഭാഗ്യവശാലോ എന്നറിഞ്ഞില്ല, ഇന്നു ഇതു് ഇവിടെ അവതരിപ്പിച്ച ബഃ മെമ്പർ അതിൽ പ്രവേശിച്ചതോടുകൂടി ഐകൃതയോടെ പെരുമാറിയിരുന്ന. ആ പാർട്ടിക്കു് ശനിദശയും പിടിച്ചു എന്ന വ്യസനത്തോടെ എങ്കിലും ഈ സഭയെ ധരിപ്പിക്കാതിരിപ്പാൻ നിവൃത്തിയില്ല. എന്റെ ഓർമ്മ ശരിയാണെങ്കിൽ കഴിഞ്ഞ ബഡ്ഡ്ജറ്റ് സമ്മേളനത്തിലാണു് ഇതിന്റെ മൂല്യസ്ഥിതി എത്തിച്ചേർന്നതു്. അന്നു് ഞങ്ങളുടെ പാർട്ടിനേതാവു് ഒരു നായർ, അന്നത്തെ പാർട്ടിയുടെ സെക്രട്ടറി ഒരു നായർ, ഇങ്ങിനെ രണ്ടു പ്രധാന സ്ഥാനങ്ങൾക്കും പുറമെ വീണ്ടും അതിന്റെ ഡെപ്യൂട്ടി ലീഡർ ഒരു നായരിൽതന്നെ ആരോഹണം ചെയ്യപ്പെടണമെന്നു് ഇവർ ആവശ്യപ്പെട്ടു. ബഃ ഡെപ്യൂട്ടിപ്രസിഡണ്ടു് മുതലായവർ അതിനെ എതുത്തു. അന്നുമുതൽ സാധു ഡെപ്യൂട്ടിപ്രസിഡണ്ടിൽ അവിശ്വാസമായി പാർട്ടിയിൽനിന്നു നായർ മെമ്പർമാർ ഒന്നാകെ രാജിവെച്ചു.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I rise to a point of order, the point of order being that the Hon'ble Member is referring not to the resolution but to party politics and connecting various irrelevant things.

മിസ്റ്റർ ബി. എം. പീറർ: I will come to the point. You can hear me. ആ രാജിയെ തുടർന്നു് ഡെപ്യൂട്ടിപ്രസിഡണ്ടിനെ സ്ഥാനഭ്രഷ്ടനാക്കണമെന്നാണു് പിന്നത്തെ അവരുടെ പുറപ്പാടു്. ആ ഏകകാരണം മാത്രമാണു് ഈ പ്രമേയത്തിനുള്ള കാരണം. ഇതു് നമ്മുടെ ദേശീയവാദത്തെ പുലർത്തുന്നതിനു പറഞ്ഞതല്ല. അതുകൊണ്ടു് ഞാൻ ഈ പ്രമേയത്തെ എതിർക്കുന്നു.

നെല്ലായിമെമ്പർ ഇവിടെ പറകയുണ്ടായി, സവർണ്ണഹിന്ദുക്കൾമാത്രമല്ല ഈ പ്രമേയ അവതാരകന്മാരിൽ ബാക്കിജാതികളിൽ പെട്ടവർ ഇല്ലെ എന്നു്. അന്യജാതിക്കാരെ ഇവിടെ വലിച്ചിഴച്ചിരിക്കുന്നതു കേവലം പൗരന്മാരായി വ്യാമോഹിപ്പിച്ചിട്ടാണു്. കല്യാണസമയത്തു് മാല ആരുടെ കഴുത്തിലായിരിക്കുമെന്നു് കണ്ടറിയേണ്ടതാണു്.

സമുദായഭിന്നിപ്പും പിളർപ്പും ഉണ്ടാക്കുന്നതിനല്ല നമ്മൾ പ്രതിനിധീകരിക്കുന്നവർ ആവശ്യപ്പെടുന്നതു്. ജനകീയ താല്പര്യങ്ങളെ ഈവക സംഗതികൾകൊണ്ടു മറക്കയാണു ചെയ്യുന്നതു്. അതുകൊണ്ടു് ഈ വക സ്വാർത്ഥപരമായ സംഗതികൾക്കു് ഒരു വിരാമമിട്ടു് ജനകീയ താല്പര്യങ്ങൾക്കു നമ്മുടെ വിലയേറിയ സമയത്തെ ചിലവഴിക്ക എന്നുള്ളതാണു്. ഇത്രയും പറഞ്ഞു ഞാൻ വിരമിക്കുന്നു.

ഖാൻ സാഹിബ് ഇസ്മായിൽ ഹാജി ഈസ്സാ സേട്ട: മിസ്റ്റർ പ്രസിഡണ്ടു്, സർ, ബഹുമാനപ്പെട്ട ഇന്നത്തെ ഡെപ്യൂട്ടി പ്രസിഡണ്ടിനെ തൽസ്ഥാനത്തുനിന്നു് നീക്കം ചെയ്യുന്നതിനു് ഈ കൌൺസിലിൽ കൊണ്ടുവന്നിട്ടുള്ള പ്രമേയം ഇവിടെ അവതരിപ്പിച്ച മെമ്പറോടു് ഞാൻ ആദ്യമായിട്ട ചോദിക്കുന്നു, അദ്ദേഹം ചെയ്തിട്ടുള്ള അപരാധം എന്താണെന്നു്. നമ്മുടെ ലജിസ്ലേറ്റീവ് കൌൺസിൽ ആരംഭിച്ചതിനുശേഷം ഇന്നേവരെ ഡെപ്യൂട്ടി പ്രസിഡണ്ടിനെ തിരഞ്ഞെടുക്കാറുള്ളതു് ഉദ്യോഗസ്ഥമെമ്പർമാരുടേയും, അനുദ്യോഗസ്ഥമെമ്പർമാരുടേയും വോട്ടുകൾകൊണ്ടാണു്. ആ സ്ഥാനത്തേക്കു് നമ്മളിൽനിന്നും ഒരാളെ തിരഞ്ഞെടുക്കപ്പെടാവുള്ള സംഗതി ഇതിന്റെ അവതാരകൻ മറന്നിട്ടില്ലായിരിക്കാം. ജനങ്ങളുടെ സ്നേഹബഹുമാനങ്ങൾക്കു് പാത്രീഭൂതരായ പ്രതിനിധികളടങ്ങിയ നമ്മുടെ ലജിസ്ലേറ്റീവ്

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കൌൺസിൽ മെമ്പർമാരിൽനിന്നു് ഒരാളെ നോമിനേഷൻ കൂടാതെ ഇലക്ഷൻകൊണ്ടു് ആരോഹണം ചെയ്യപ്പെടുന്ന ഒരാളാണു് നമ്മുടെ ഡെപ്യൂട്ടി പ്രസിഡണ്ടു്. അങ്ങിനെയുള്ള ഒരാൾ ജനങ്ങളുടെ കൂടുതൽ സ്നേഹത്തിനും, ബഹുമാനത്തിനും ഇടയായിട്ടു് ഡെപ്യൂട്ടി പ്രസിഡണ്ടു് സ്ഥാനം കരസ്ഥമാക്കി, ഇത്രയും കാലം കഴിഞ്ഞതിനുശേഷം മിസ്റ്റർ അയ്യപ്പന്റെ നേരെ ഇങ്ങിനെ ഒരു അവിശ്വാസം ഇപ്പോൾ മാത്രമാണോ ഈ മെമ്പർമാക്കു് തോന്നിയതു് എന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. (ഹിയർ, ഹിയർ). ഞാൻ നമ്മുടെ മിനിസ്റ്ററുടെ പാർട്ടിയിൽപ്പെട്ട ഒരാളല്ല. മിനിസ്റ്റീരിയൽ പാർട്ടിയുടെ സഹായത്താൽ കച്ചീട്ടു് വെച്ചു കൌൺസിലിൽ കടന്നുകൂടിയ ചില മെമ്പർമാർ പാർട്ടിയുടെ ഇഷ്ടത്തിനും, താല്പര്യത്തിനും അനുസരിച്ചു പ്രവൃത്തിക്കാതെ എന്തോ ചില വ്യക്തിവിദ്വേഷത്തെ മാത്രം അടിസ്ഥാനപ്പെടുത്തി ആ പാർട്ടിയിൽനിന്നും രാജിവെച്ചു്, ഇതുപോലെയുള്ള അവിശ്വാസ പ്രമേയവും മറ്റും കൊണ്ടുവരുന്നതു് മനഃശ്ശോചിതമായ ഒരു പ്രവൃത്തിയാണോ എന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. (ഹിയർ, ഹിയർ). സ്റ്റാഫ് സിലക്ഷൻ ബോർഡു് മാറ്റി സപ്ലീസ്സു് കമ്മീഷൻ വേണം എന്നു് പാർട്ടിയിലെ ചില മെമ്പർമാരും, സപ്ലീസ്സു് കമ്മീഷൻ ഇപ്പോൾ വേണ്ട സ്റ്റാഫ് സിലക്ഷൻ ബോർഡു മതി; അതു് മാറ്റുവാനുള്ള ഒരു കാലമായിട്ടില്ലെന്നും, സാമുദായിക ന്യൂനതകളെ പരിഹരിക്കുവാൻ സ്റ്റാഫ് സിലക്ഷൻ ബോർഡു് പര്യാപ്തമാണെന്നും മിസ്റ്റർ അയ്യപ്പനും പാർട്ടിയിൽവെച്ചു് വാദിച്ചതാണുപോലും ആ കമ്പനിയിൽനിന്നും മാറി ഇപ്പോൾ മറ്റൊരു കമ്പനിയിലേക്കു് ഇവർ പ്രവേശിച്ചിരിക്കുന്നതു് (ചിരി.) ഇതാണോ നിങ്ങളുടെ വിശ്വാസം (തുടരെ ചിരി). കുരങ്ങന്മാരെപ്പോലെ ഒരു മരത്തിൽ നില്ക്കുമ്പോൾ മറ്റെ മരമാണു് നല്ലതെന്നു് വിചാരിച്ചു് അങ്ങോട്ടു ചാടുന്നു. (ചിരി). നിങ്ങളുടെ മനസ്സിനു് ശക്തിയുണ്ടോ? നിങ്ങളാണോ പ്രജായത്തഭരണസിദ്ധാന്തം വേണമെന്നു് ആവശ്യപ്പെടുന്നവർ! (ഷെയിം, ഷെയിം). നിങ്ങളാണോ രാജ്യത്തിനും ക്ഷേമത്തിനുംവേണ്ടി വാദിക്കുന്നവർ!! അല്ല; ഒരിക്കലുമല്ല; ചില വ്യക്തികൾക്കുവേണ്ടി മാത്രം!!!

മിസ്റ്റർ അയ്യപ്പൻ ഡെപ്യൂട്ടി പ്രസിഡണ്ടായതിനുശേഷം ജനങ്ങളുടെ ഹിതം അനുസരിച്ചല്ലാതെ ജനങ്ങളോടു് വിരോധമായ നിലയിൽ ഏതൊരു സംഗതിയാണു് അദ്ദേഹം പ്രവർത്തിച്ചിട്ടുള്ളതെന്നു് നിങ്ങൾക്കു് ചൂണ്ടിക്കാണിച്ചു തരുവാൻ സാധിക്കുമോ? അങ്ങിനെയാണെങ്കിൽ ഞാനും നിങ്ങളെ സപ്പോർട്ടു് ചെയ്യുവാൻ ഒരുക്കമാണു്. (ഹിയർ, ഹിയർ.) നിങ്ങൾ ഈ റസല്യൂഷൻ കൊണ്ടുവന്നിട്ടുള്ളതു് നോക്കുമ്പോൾ ഇതിനു് അടിസ്ഥാനമായിട്ടുള്ള യാതൊരു കാരണവും ഞാൻ കാണുന്നില്ല. വെറും സ്വന്തമായിട്ടുള്ള സ്വാർത്ഥതമാത്രം!

പിന്നെ മിസ്റ്റർ പീറർ പറഞ്ഞതുപോലെ നാണമേനോൻ തുടങ്ങിയ കുറെ മേനോന്മാരും ഇതിനു തുനിഞ്ഞപ്പോൾ അതോടുകൂടി കുറെ ആളുകളും പോന്നുവെന്നു മാത്രമെയുള്ളു. അതു എതുപോലെ എന്നുവെച്ചാൽ മുമ്പോട്ടു പോകുന്ന പശുവിന്റെ പിറകിൽ വേറെയും കുറെ പശുക്കൾ പോകാവുള്ളതുപോലെ എന്നു മാത്രമെ ഇതിനു് അർത്ഥമുള്ളു. (ചിരി.) തുടരെ ചിരി.) മിസ്റ്റർ അയ്യപ്പൻ ജനങ്ങളുടെ ഹിതം അനുസരിച്ചു് പ്രവർത്തിച്ചില്ല; ജനങ്ങൾക്കെതിരായി പ്രവൃത്തിച്ചു, അതുകൊണ്ടു് അദ്ദേഹത്തെ പുറത്തു കളയണംപോലും! മിസ്റ്റർ അയ്യപ്പൻ ഡെപ്യൂട്ടി പ്രസിഡണ്ടിന്റെ സ്ഥാനത്തു ഇരുന്നാലും ശരി, വേറെ ഏതു മേനോന്മാർ ഇരുന്നാലും ശരി, എന്നുവേണ്ട മന്ത്രിയായാലും ശരി ചില കാര്യങ്ങളിൽ ഗവർമ്മെണ്ടുമായി യോജിച്ചു പ്രവർത്തിച്ചിട്ടുണ്ടെങ്കിൽ അതിനു് ഇത്ര വലിയ ഒരു അപരാധത്തിനു് വഴിയുണ്ടോയെന്നാണു് ഞാൻ ചോദിക്കുന്നതു്? (ഹിയർ, ഹിയർ.) ഈ നിലക്കു് നാം കൂടുതൽ ഉത്തരവാദിതപ്രഭരണം വേണമെന്നു് ആവശ്യപ്പെടുന്നതിൽ എന്താണു് അർത്ഥമുള്ളതു്? നമുക്കു് പരിക്ഷണാർത്ഥമായി ഒരു മന്ത്രിയെ മാത്രമെ ഇപ്പോൾ തന്നിട്ടുള്ളു. നാം ഇനിയും കുറെ ഡിപ്പാർട്ടുമെണ്ടുകൾ വേറെ ഒരു മന്ത്രിയുടേയും കീഴിലാക്കി വിട്ടുതരണമെന്നു് ഗവർമ്മെണ്ടിനോടാവശ്യപ്പെടുന്നു. ഒരു പക്ഷെ ഇനിയും നമുക്കു കൂടുതൽ മന്ത്രിമാരെ കിട്ടുന്നപക്ഷം ആ മന്ത്രിമാർ ചില ഉദ്യോഗസ്ഥനിയമനങ്ങളും മറ്റും നടത്തുമ്പോൾ, അതു പാർട്ടിയുടെ ഹിതമനുസരിച്ചുള്ള പ്രവർത്തിച്ചുതെന്നും മറ്റും പറഞ്ഞു്, ഇതുപോലെ ആക്ഷേപത്തിന്നിടവരുത്തുകയാണെങ്കിൽ നിങ്ങൾ ഇനിമേലിൽ കൂടുതൽ ഉത്തരവാദിതപ്രഭരണത്തിനു് ആവശ്യപ്പെടാതിരിക്കുവിൻ എന്നാണു് എനിക്കു് നിങ്ങളോടു് പറയുവാനുള്ളതു്. ഇപ്പോൾ ഈ നിലക്കു് സൌഹാർദ്ദത്തോടുകൂടി ജനങ്ങളുടെ ഹിതമനുസരിച്ചു് പ്രവൃത്തിക്കുവാനുള്ളവർ ഇവിടെയില്ലെന്നാണു് ഇതുകൊണ്ടു് എനിക്കു് തോന്നുന്നതു്. ആയതുകൊണ്ടു് മാന്യ മെമ്പർമാർ ഈ

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റസല്യൂഷനെ യാതൊരു വിധത്തിലും മനസ്സാക്ഷിയോടുകൂടി സപ്പോർട്ട് ചെയ്യുവാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം. ഇത്രയും പറഞ്ഞുകൊണ്ട് ഞാൻ എന്റെ ഈ പ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Mr. Ephraim Ouseph *(Narakkal):* Mr. President, Sir, the mover of the first resolution in his rambling remarks tried to explain as a sort of preface the constitutional position. The framers of our constitution took special care to make the position of the Deputy President extraordinarily strong and to make him capable of courting wide-spread unpopularity. Their wisdom has been proved in the course of this debate. There are some minor charges yet remaining unanswered, one of which is that this Deputy President has not dealt with the tumultuous scenes in this Council. It is well to remember that this House has never approached the Mother of Parliaments in that respect. There, they had even to call in the aid of Surgeants-at-arms to deal with such situations. I heard certain obscure remarks about the non-admissibility of adjournment motions. The mover of the first resolution himself stated "the less said, the better on that matter". He was very wise in doing that for reasons stated by the Member for Kunnamkulam. But the more serious charge is that he tried to sway the debate in his favour while in the Chair. But not a shred of evidence was mentioned, not to speak of proof.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Reference was given.

Mr. Ephraim Ouseph *(Narakkal):* To substantiate that statement. Another charge was that in the evenings the session was not as orderly as in the morning. I consider it as a reflection on the members that it requires a member of the Imperial race to keep order within this Council, and I protest most emphatically against it. Another argument advanced in their favour was that the Deputy President and the Ministry should be divided between the party in power and the party in the opposition. I ask in which of the provinces which worked the 1935 Act in the whole of British India, that sort of composite affair was tried? No convention was sought to be established in our State to divide the Deputy Presidentship and the ministry between the opposition and the party in power. There are certain minor charges left: the impropriety of making reference to "Sahodaran"; as the President of the S. N. D. P. Yogam, he opposed the Government Bill making encroachment on the liberty of association in the State; he took some time to consider authorities and references to make rulings and that he was not flippant and rapid in giving some of the rulings which were controverted. I have no time to go into such details. Another important argument advanced was that by a mere majority vote, the Deputy Presidentship must be shifted to the other side. My objection to that is that unlike the ministry no political power is sought to be transferred to the Deputy President. Hence there is no question of the majority of the members sharing in that authority.

But the central argument on which they banked their case is what is mentioned in the resolution itself, *viz.*, the Hon'ble Member for the Kanayannur-Ezhuvas, speaking on a resolution in which the minorities' interests were concerned, stated on the floor of this House, "I hope the Government will not be guided by the number of votes, mere number of votes, in this matter". He added, "any member has his own right to advise the Government", as if to make it clear that he was not speaking in the capacity of the Deputy President but as "any member". He went on to argue in that discussion that in a question like this affecting the interests of the minorities it is the duty of the Government before giving sanction or acceptance to the majority decision, to give careful scrutiny to the proposal. It has never been claimed by the exponents of parliamentary democracy that leaving the vital interests of the minorities to the tender-mercies of the majority votes was indispensible for the proper working of the parliamentary form of Government. It is even usual that statutory and constitutional safeguards are provided against the power and tyranny of the majority vote. I do not see anything unconstitutional or undemocratic or unparliamentary in such a procedure which has found acceptance even in the most parliamentary and democratic of institutions, I refer to the League of Nations. About the other unparliamentary methods indulged in by him while in the Chair it is definitely left unmentioned in this resolution. I wonder why these members who worked with him in the party all along, who ratified his conduct by their subsequent support, why did they not discover these points all this time? As a matter of fact one fine morning like the character in Molier's plays who discovered he was speaking prose all along, they discovered that he was unparliamentary and unconstitutional all the time. Curiously enough they discovered that enormity only after Mr. Ayyappan's spirited opposition to their pet scheme of service examinations—a very disturbing consideration in accepting the bona-fides of this resolution and of their arguments.

The veteran member for Mattancheri said that the representative of the Kanayannur-Ezhuvas "has done more for his community than any other member in the land for his community". I must add that incidently he has espoused the cause of the other unrepresented communities both in Cochin and Travancore and he has dedicated his whole career for the cause of the political Parayas in both the States. I ask whether it is wise on the part of this House, whether it is wise on the part of any member of this House, to give serious support to a resolution which will enable the over-represented communities to ask this leader "little man, what now, in imitation of the German author"? It is, to my mind, very dangerous to the communal harmony of the State. This resolution was under the consideration of the public for a fairly long time how. The people have given expression to various points of view. They say the unrepresented communities, like Oliver Twist in Dicken's novel, "are asking for more". The ruling class stood aghast. They have decided to show, once for all, that the ruling class are, after all, the ruling class.

Mr. Joseph Pettah *(Adoor)*: Mr. President, Sir, I just wanted to rectify an omission here. The Hon'ble Member for Vadakkancheri has given a quotation from the speech made by the Hon'ble Member for Kanayannur-Ezhuvas. But I would submit that it is a garbled quotation. Any quotation taken out of its context can be construed in a different manner. Therefore, unless we read the whole text and also the circumstances under which the speech was made, we shall be completely misled. Such a misleading, is, of course, a very undesirable thing on the part of any Hon'ble Member of this House.

Now, the quotation as given in the resolution or as an adjunct to the resolution is this.—"I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government". Now, the author of the statement said "not be misled, not be misguided by the number of votes alone. Analyse the number of votes and particular consequences and understand the implication. All these things will have to be weighed very carefully before Government comes to a conclusion". That is the idea as put and expressed by the Hon'ble Member for Kanayannur-Ezhuvas. We also should remember that that statement was made in connection with a matter which is generally admitted to be inter-communal, and here he himself says.—"Any watchful Government, watchful of the interests of all communities and all sections of the people, or any Government which is solicitous of the interests of all sections of all the communities of the people must weigh and consider the nature of the vote that is given and should not be guided merely by the vote as it is. That of course is a very correct procedure in a question which is of inter-communal importance. The Hon'ble Member Mr. Bhaskara Menon on a question when the Child Marriage Restraint Bill was here gave expression to some of these very good ideas when he requested the members not to indulge in what is called "democratic tyranny". My submission to this House is that in case where the minority is affected when the majority was absolutely no consideration whatever to their feelings if there is a flagrant flouting of all their cherished sentiments without any reason, then the majority rule becomes irresponsible". Again, he continues in another sentence "so that my submission to this House is in such matters where only certain specific sections of the community are involved, it is an absolute injustice to their sentiment to be scrambled over. So that I think it will be the duty of every one of us to realise that it is one sort of attack on the sentiments of the people which are responsible for clamourous cry of communal justice and communal representation all over the country and the consequent denial of self-government so far as community is concerned." Again, in another sentence he says—"There ceases to be any distinction between autocracy proper and democracy of the majority in crushing the minority." These are very laudable sentiments expressed by him and what is the request made by Mr. Ayyappan, the Hon'ble Member for Kanayannur Ezhuvas ? Government should accept these laudable ideas and should be guided by these ideas in exercising their discretion in the matter. Is it after all an unpardonable crime that the Deputy President has committed? Of course, it was not stated in his capacity as Deputy President, even if you confuse this to be so.

One point more. Here very many references were made to the Speakers. But the Speakers are there in the Chair. They do not go to the floor of the House. When they are present, they are in the Chair. The Deputy Speakers have a separate role. They are members when they are on the floor and they are President when they are in the Chair. As has been mentioned here, the Depnty Presidents of the various parties, even of the Congress Ministry we cannot say that the Congress Ministry were against democracy—even there even the Presidents themselves

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remain with the party. We find in a democratic country like America the President, the Speaker, there, is the manager of the party as well. So, there is no meaning in a dissociation between the Speaker on the one hand and the member on the other. So, I should think that much unnecessary heat has been generated on a statement made by the Hon'ble Member for Kanayannur Ezhuvas and much unnecessary meaning has been misconstrued into it, so as to give it an undue importance in this House so as to mislead the members—I should not say for the purpose of their own. It comes to that. Therefore, I would strongly oppose the resolution that is before the House.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: Mr. President, I am one of the signatories to this serious resolutions and I do support it not because I am a signatory to it for satisfying the technical things, but because my mind and my conscience feel it quite equally and co-extensively. My respectful submission to this House is that I am not a constitutional lawyer myself, nor have I had occassion to study the parliamentary practice and procedure elsewhere. Even the little study and reading that I had of the Act have not taken me much further. I have had the occassion to read one of the reports in the Assembly proceedings of and on one occassion I have read one very honourable and distinguished constitutional lawyer stating "May" may not after all be the last word upon parliamentary procedure. Such being the case, and such being the controversy about parliamentary procedure I think I may better refrain from quoting from books, from the rulings of the Deputy President based on constitutional law and procedure. But those which affect me and appeal me have this unconscionable bearing. One of those which have been referred to by the Hon'ble Member for Trichur North and this has been said by the advocate the Hon'ble Member for Narakkal that there has been no evidence. I would respectfully submit that evidence was placed before this House by the Hon'ble Member for Trichur North, and perhaps the Hon'ble Member for Narakkal did not notice I do not propose to bank upon them. I would only refer to his remarks as Deputy President from this Hon'ble Chair in the discussions on communal electorates on the 25th November 1942. Soon after and just after the resolution was moved by the Hon'ble Member for Chalakkudi, Mr. Moothedan and it will also be seen that it is not an interruption or swaying once and for all but it is as permanent and as perpetual as possible as it could have been done. The first portion was read out to this House by the Hon'ble Member for Trichur North and I would also with the kind permission of this House read out one or two portions. As the debate went on, "we are on the resolusion of the special communal electorate" is an interruption from the Hon'ble Deputy President. Then comes "even if there are communal distinctions, you want to abolish communal electorates. That is your position. Then why should you try to prove that there is no difference between Romo Syrians and Latin Christians? I do not think that the discussion is relevent here." In like manner throughout it will be seen in that discussion that he has been swaying the discussion in this House upon communal electorates, against the very first principle, and disobeying the first mandate of constitutional law that a person in the Chair in the position of the Deputy President should never sway the discussion that is before the House. Therefore, on that point alone which I take as a very serious charge. I support the resolution.

The next point on which much also has been offered as justifications by the Hon'ble Members who have been supporting the Hon'ble Deputy President and also defending his cause is that the statement that he made on the floor of this House was made in his individual capacity and therefore has nothing to do with the Chair. I have got a two-fold reply, Sir, for that argument. The first is that he is a person who comes here as a democratic representative of an electorate. Once he says that the vote of the House should not count with the House, he should at the very moment resign and vacate his seat, because he has no further seat here because he has forfeited the confidence of the electorate and he is a trespasser. Secondly, there is the aspect that it has been made on the floor of the House no doubt by a person who occupies a dual capacity; and unlike the permanent President, the Hon'ble Diwan President of this House, I do not think the Deputy President can fill a double office by virtue of Chair and by virtue of his seat as a member. It would be inconsistant. It is not a question of law that we are upon here, but upon a question of the effect of that statement on the minds of the people and upon the minds of the Hon'ble Members of this House. I would treat it as a serious condemnation of the Hon'ble Members that sit here and such serious criticism upon our responsibility to the electorate should be avoided. We who are here as it would seem to vote or not to vote as reasonable beings are sometimes guided by passion. I am the last to subscribe to that argument. And further the very fault of the Deputy President was pointed out by the Hon'ble Member for Cranganur, Mr. Bhaskara Menon in that very afternoon when he took the Chair.

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He submitted to the House that the Deputy President had not the condescension to respect the sentiment of the House. If he has really committed a mistake as is now thought by the Hon'ble Members—we may be right or we may be wrong-when there is a non-official majority of opinion against the statement, it is but befitting that response is given and an explanation is given whether it may be accepted or not it is another matter—an explanation by which a rationale is produced and if necessary an apology is tendered. My anticipation was that before the mover of the resolution was called upon to move this resolution, the Hon'ble Deputy President then in his seat only as a member would make amends and request the Hon'ble Members for leave to make amends for his conduct which has been taken so much exception today in this resolution. He has failed to do that. My experience is that he is here to flout the opinion of the non-official majority here and to hang on in his own power and prestige and to see that he will take whatever verdict that is due for him whether one of success or failure. We have also to take the same vote on the decision of this Hon'ble House on that matter. Whether we succeed or whether we fail is not material, absolutely no concern. I support the resolution wholeheartedly and I place these facts before the House for its kind consideration.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* I will be very brief in my reply.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* With your premission, Sir, one word. Will any other Hon'ble Member have the right to speak after the Hon'ble Deputy President?

Mr. President: I understand that no other Hon'ble member wishes to speak after the Deputy President.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am not referring to my right of reply, it is there. But will I be called upon to reply soon after the Hon'ble Deputy President finishes his speech.

Mr. President: Yes, immediately after the Deputy President.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Before replying to the main charge I will take one by one the minor charges. One charge is that I was swaying the trend of the discussion here. That is a very serious charge according to me. When, in the Chair, I have been scrupulously impartial. *(Hear, hear).* Whatever the Hon'ble Members may say in their speeches now, I am sure each member here believes that I have been very impartial.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* We are pleased.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* I have never swayed discussion from the Chair. I might have elucidated certain points. When the issue is clouded it is the duty of the Chair to make the position clear. I must have discharged that duty in the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Nobody questioned.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Then another charge was that I was sitting while making observations. That practice has been obtaining here from the very beginning. Mr. Narayana Ayyar, Mr. Herbert, Sir Shanmukham and Mr. Dixon were all following that practice. I have been simply following them and there is a purpose in that also, I think. When addressing the House, the President should stand up. The observations made, sitting, will be more grave and weighty. Therefore, I think parliamentarians perhaps adopted that method. Not only that, it is very inconvenient for the Chair to stand up for every little thing. It may be courtesy. But the other course is not discourtesy. Anyhow, I did not mean any discourtesy to the House when I was following the practice which was obtaining here.

With regard to the Hon'ble Members finding difference between the evening and morning sessions, I must be frank. The House will not give the same consideration to a Deputy President as they give to the Diwan-President.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sorry to hear that.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* But that has been the experience here. I must at the same time thankfully tell here that the House has been very courteous and considerate to me. They have not created any difficulty for me.

Another charge is that I disallowed adjournment motions. Mr. Iyyu has already answered that charge. I think I was very bold then. It is very difficult for some people to side the Government even when siding the Government is necessary in the interests of the people. I do not make any difference between Government and the non-officials while I am in the Chair. The Chair must always look to the interests of the people as represented by the Government and by the non-officials. I have never been unnecessarily siding with the Government or flouting the opinion of the non-officials.

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Another charge is that I deferred a ruling. Even the Great Patel had deferred rulings. The ruling I gave the next day through the Diwan President was the ruling I formed in the Chair. Still I was not very sure. Therefore, I deferred it. So that I might not have made a bad ruling.

One Hon'ble Member thinks that the Minister's party man cannot be the Deputy President. I am not aware of any such convention here. Even in my election, the Congress party put up a candidate.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Not the Congress party. The Ministerialist party.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* The Ministerialist party put up a candidate. Even if the Government had any intention to build up such a convention, the Ministerialist party did not allow the Government to do so, I do not know if the Government ever wanted to build up such a convention.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is openly stated.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Now, I will take the main charge that I made a most undemocratic statement. The statement that I made is most democratic. I, as member of the Kanayannur-Ezhuvas, made a most democratic statement according to the conditions prevailing in Cochin. There seems to be a great misconception about democracy, here. Democracy is not bodily transplanted from one society to another. Democracy is evolved. Sir, there is a proverb in Malayalam "what is good for the Dutch, is not good for the French" (ലന്തക്കരനല്ലുപാരുനിക്കാക). What is democracy in one country may be autocracy in another. In England and other countries, they have got a homogenious, unitary society. Here we have not got that. Now, what is after all the great Indian political deadlock? It is a dispute over this question. How can we apply democratic principles to India? The British Government say "you decide among yourselves". As soon as the war is over, we are prepared to hand over power to you. Decide your constitution, come to a settlement, say "what form of democracy you want". That is the political deadlock.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That is a stunt.

Rao Shib K. Ayyappan *(Ezhuvas-Kanayannur):* It is not a stunt. Prove that it is stunt by uniting. Having come to an agreement, having prepared a scheme for the future Government of India, then say that it is a stunt. Until then we cannot say that it is a stunt. According to me, it is an honest and sincere offer. If you apply arithmetical democracy to Cochin, what will be the result? The decision of certain communities will be imposed upon certain other communities. That will not be real domocracy. I am not holding that opinion with regard to this particular matter alone. When the Child Marriage Restraint Bill came up for discussion here, I very vehemently appealed to the House not to use the strength of mere number of votes to tyrannise over the Brahmin Minority. I still maintain that position. What was my statement? Government should not be guided by the mere number of votes. I did not say even as member for Kanayannur-Ezhuvas that the number had no weight at all. The number has got its weight. But in this particular matter where minority interests are involved, Government have to be careful in using their reserve power. Even almost unanimously passed resolutions are not accepted by the Government. Government have their own reasons. Here, Government do not accept or reject resolutions considering the mere number of votes. In the particular matter under discussion, Government will have to consider the communal implications of the votes. That is what I requested Government to do. I do not think that, that statement was undemocratic. It was the most democratic statement. What is democracy? Democracy is Government by the people, "by the people" must be emphasised. "By the people" means by the representatives of the people. "By the representatives of the people" does not mean by the representatives of certain communities when the people are divided into so many communities. It is a clear thing. I am very sorry my friends have misunderstood "democracy" after all. Sir, in India we have been for many centuries under the spell of slokms, (verses). Simply quote a verse. We easily submit to the spell of that verse. Now, I think some of my friends are subject to the spell of slogans of democracy. What is democracy? How can it be applied to Cochin? What is the nature of the society in Cochin? Is it a homogenious society? Sir, I am an untouchable.

Mr. C. V. Iyyu *(Kunnamkulam):* You are an unapproachable.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* I am unapproachable to some of my friends. I have no quarrel with any community. I am not thankful to sugar for its being sweet.

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It is its nature; nor do I curse nuxvomica for its being bitter. It is its nature. Similarly, communities move along the directions of their own interests. Why should we blame communities? Therefore, I have no hatred towards any community. I am the least communal of all members here. I serve my country through my community too. If you go through the reports of the Proceedings of this House, any honest member must admit that I have cared more for the interests of the country than for those of my community. The present constitutional reform is based on my resolution. Adult franchise of the Panchayats is the result of my resolution. The Civil Marriage Act has become law by my effort. I can cite so many other instances. I have moved very amicably with my friends of all communities and I have sacrificed all minor communal interests to work with them for the progress of the country. I know that my friends know that. That is why they tolerated me for three years. They did not whisper a word against my being in the Chair. Unfortunately, recently as one Hon'ble Member explained here, something happened, some matter, which affects the interest of certain communities adversely and those of certain other communities favourably. There, there was a difference of opinion and strong difference of opinion, we parted ways and unfortunately that has given room for this motion which is an undemocratic move. I must say most undemocratic move. What will be the safety of the Chair if 20 members are going to move resolutions like this? I may not care, I may be removed. Some members may go in for the votes and side with the majority of votes. Therefore, those who made the constitution, carefully drafted the provision regarding the removel of the Deputy President. The Deputy President should not and cannot be easily removed, that was their intention. The move of the Hon'ble Members is most undemocratic. That is undermining the very existence of this House. They are unmindful of the interests of the House and also unmindful of the future of this House. Hon'ble Members who sided with the motion have created a bad precedent, a very undemocratic precedent, and at the same time they are speaking of democracy. In the name of democracy an appeal was made to me.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* A suggestion only, Sir.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* A suggestion or a command. Let it be a command. The Hon'ble Member asks me since 20 members have sent in a motion why don't you resign"? If Deputy President are going to take that posttion, for every session their will be such motions. Whatever else I may be, I am not so foolish as to accept the suggestion.

Mr. V. K. Bhaskara Menon *(Cranganur):* That we know.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* You know so many things. We have been great friends for many years. Friends like Mr. Bhaskara Menon, must have known me-well. I think I have replied to the Hon'ble friends on that side. I do not want to prolong the speach any longer.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, as I said in my opening statement. I expected to be able to listen to very able defences from the protoganists of my esteemed friend the Hon'ble Deputy President as also the usual diplomatic reply of the great diplomat that my friend is I am not in a position to say whether my anticipations have been realised. However I shall reply to some of the points raised by the other side. I am sorry to observe, Sir, that some of the defenders of the Deputy President indulged in certain things to reply to which will be below my dignity and that of the House and I am not prepared to descend to their level.

Now, let me deal with my esteemed friend the Deputy President First. He has stated that the move has a back-ground and an origin. He has stated, Sir, that something happened some days back and that is the reason for the move. As he left it that I can't reply to what was in his mind. The consequences of the motion are danger for the State said the Deputy President. Again he did not say what these consequences are. Such vield threats are not new from him. Such statement we have heard before from the Hon'ble gentleman who made that statement. Calamity stares you in the face, Russia is coming here, and such other things we have heard from him before. What is the mischief that this proposition is likely to cause? What is it that is stated as the reason for the motion and what is it that is demanded by the resolution. My friend has referred to 5 points on which he replied. First he began with "swaying the debate." I have already given the references and I am very glad to be informed that within a few minutes, the references have been looked up in proper quarters. For want of time I could not then read from the reference nor am I allowed by time to do so. The references given do clearly show that sitting in that August Chair he used to advance his personal views to advance communal

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interests as seen by him. He used in the subtle and clever way that he is always capable of adopting subtly to see that the purpose of the motions then under discussion did not prejudicially affect his personal views on the matter somethings strictly forbidden in a chair who ever he be a President or the Deputy President. I can understand the Ex-offico President, the Diwan, adopting such an attitude when he is in the Chair. There is some meaning and justification for that. When a position that affects Government is not clearly understood during the course of the debate, he has got a duty in his capacity, not as the President of the House, but as the head of the administration to clarify the issue by stating the Government position which without that lead from the Diwan in the President the treasury bench on the instructions already given to it may not be justified in replying. Such sort of swaying a debate in the particular circumstances of our constitution from the Diwan in the President as President is tolerable, but never from a representative of the members, the representatives of the people. That is, we the Hon'ble Members are, Sir, the representatives of the people and the Hon'ble Deputy Presiden is the representative of the representatives of the people. We are his electors. He, in the language of a most eminent contitutional lawyer is the spearhead of the House. He is the spoksman, he is the mouth to express the rights, the privileges and the traditions This charge of swaying the debate which most of his protoganists and my friend himself attempted to belittle by referring to the circumstances under which they are made, referring to the feelings behind such statements. Are we children, Sir, are we going to allow to be treated as children? I am sure, Sir, that this will not be tolerated, belittling a thing, closing your eyes. Facts are facts.

Sitting is more convenient said the Deputy President. One can understand that. But the authority of authorities on parliamentary procedure demands that the President should rise. Example is shown by a distinguished son hailing from the land of the Mother of Parliaments. Copy him the Deputy President could not. He copied the wrong doers. Nobody said that the Deputy President had been discourteous. He, Sir, was over-courteous. But even that we are not going to tolerate. He ought to be, Sir, what he ought to be. He is the custodian, of the privileges and traditions of the House. It is his duty that he observes them, and if he fails, even as a result of his over-courteous nature, that fault will be on his head. That is no defence.

I shall refer to a certain passage from a page in an authority on Parliamentary Practice. forgot, Sir, the exact, line. The book is Parliamentary Procedure by Osborne and the passage is to the effect that the dignity of the house practically depends on how the President behaves.

The convention laid down, regarding Deputy Presidentship, by Sir Shanmugham, so long as we work diarchy is, alas! pretended by the Deputy President not to be known to him. I was really staggered to hear it. If one descends to the level of ignoring his own mother, he deserves our sepreme contempt.

The Hon'ble the Deputy President has admitted, Sir, that there is a difference between the morning and evening sittings. But the Hon'ble Deputy President was resting the difference on a different ground. One Hon'ble Member was resting this difference upon something which was heard here which I did not expect to hear—the evening session said he, afterall, is a more tedious session". Some other defending the Deputy President observed that the evening sitting is less interesting. I also characterise the evening sitting as less interesting. But whose is the fault? Well, Sir, if persons who were watching the procedings of this House in the evenings when it was presided over by the usual occupant of the Chair, the Deputy President and the same persons were watching the proceedings of this evening the difference will be clear to them. There is no comparison will be the verdict. To-day there was no difference between the morning and evening sittings for the President was in the Chair in both sittings. The whole thing depends, Sir, upon the way in which the occupant of the Chair behaves. If he is over-indulgent, naturally the Hon'ble Members let loose. We must be pulled up where we are to be pulled up and we see ourselves examples of that; when very veteran members were called to order repeatedly because they wandered, from the issue. And here we see examples during the last few months. Examples are not copied, not even attempted to be copied.

Another thing, I was surprised to find my reference to the Speaker of the Mother of Parliaments and references to the Ex-officio President here and the Deputy President has not been properly understood. My position was this. The Diwan being the Ex-officio President—I referred to that section—he being a salaried officer of His Highness the Maharaja and the Head of the Administration, he is not and he cannot be in the same position as the Speaker of the House of Commons. Nobody claims it too. The nearesta pproximation is the Deputy President of this

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House. That is so under the limitation of the Constitution Act and until such time we get an elected President, I think, though not cent per cent on a par with the Speaker of the House, the Deputy President is the nearest approximation to him and whatever the Speaker of the House stands for, the Deputy President stands for here in this House. My complaint is that he has fallen short of our expectations and that is almost conceded.

Difference. It is there. The Proceedings also do show that. One can read from the Proceedings that on a certain day there was a discussion on communal electorates. The resolution was moved by the Hon'ble Member for Chalakkudi. Some of the passages during the discussion will show that the description that I gave to the evening session is even an understatement. Therein Mr. Moothedan was referred to by a veteran like the Hon'ble Member for Mattancheri as follows. —"hereafter I will continue to call you not "Moothedan" but "Moothapedu", meaning a rotten cocoanut. I would have moved for a removal of that passage from the proceedings because it is going to be on the record of the proceedings of the Cochin Legislative Council for all time. Such disgraceful scenes have been tolerated by the Deputy President who ought to be the spearhead of the rights and privileges of the House. Are the Hon'ble Members of this House going to tolerate him, are we his electors going to tolerate him? I know I cannot convince a certain block because they are protoganists of the Deputy President. This group which was very correctly described by certain Hon'ble Members as a jumble of various elements, Oh! God they cannot be convinced by my arguments or those of any other. But my appeal, Sir, is to those Hon'ble Members who do not belong to that group of persons but to persons who can think for themselves, to persons who can decide for themselves, to persons who are solemnly called upon in the name of the dignity of this house, in the name of recognised parliamentary practices to decide rightly having regard to the prestige and privileges of the House. The result of the voting, I am indifferent about, I have discharged my duty and that is my satisfaction. I press the motion. Sir, "up to a point, suppression of one's views in favour of those of another considered superior in wisdom and experience is virtuous and desirable for the healthy growth of organisation; it becomes a terrible oppression when one is called upon to repeat the performance from day to day." I have been, Sir, reflecting upon the bald arguments coming from the Central block. 20 non-official resolutions! What is the value of number, that is the question. Shall I as the Deputy President, how many non-official members he has at his back? That hair-splitting argument that it was our Ayyappan Master who made that statement and not the Deputy President! I ask whether Mr. Ismail Hajee Easa Sait, the Chairman of the Mattancheri Municipality is not also an M.L.C? Shall I again ask or shall I say to the wife of Mr. Iyyu that he is only the Military Welfare Officer and not Mr. Iyyu, the husband of Mrs. Iyyu? In regard to the adjournment motion, Sir, the cry was raised, "the war and its necessity". There was also reference about the absence of the 'Varan' in the final vote. Yes I was reminded of a 'Varan'. At a time when a Christian Marriage procession was stopped in the constituency of Mr. Ephraim Ouseph, I felt whether there was not the necessity to lift the ban on public meetings and processions. Mr. Iyyu the Hon'ble Member for Kunnamkulam had been corresponding with Sjt Rajagopalachari and Mr. Sreshta they condescended to reply, because they did not know Mr. Iyyu was the Military Welfare Officer as also a Member of the Cochin Legislative Council.

Mr. C. V. Iyyu *(Kunnamkulam):* They know that. I shall show you the address.

Mr. M. Krishna Menon *(Trichur-North):* Then he was referring to one pamphlet issued by Mr. K. M. Sankaran Nambudiripad. I know the purpose for which it was quoted. There is a sentence there "ഇതു കണ്ടാൽതന്നെ സവർണ്ണഹിന്ദുക്കൾ കൂടുതൽ അടുക്കുകയും മറ്റു ഹിന്ദുക്കളായിട്ടില്ല കൃസ്ത്യാനികളായിട്ടാണെന്നു വിചാരിക്കണം" What do you say to that?

Mr. C. V. Iyyu *(Kunnamkulam):* That is his view.

Mr. M. Krishna Menon *(Trichur-North):* In the selfsame passage Mr. Nambudiripad asserts "ഇതിപക്ഷ തീപ്പിനെ അനാദരിക്കണമെന്നും മിസ്റ്റർ അയ്യപ്പൻ പറഞ്ഞതു നന്നായില്ലെങ്കിലും.....

What do you say to that?

Mr. Joseph Pettah *(Adur):* And the next sentence, read on.

Mr: M. Krishna Menon *(Trichur-North):* If Mr. Iyyu will produce a pamphlet of Mr. Nambudiri, I am sorry I could have brought a pamphlet or article written by Mr. C. R. Iyyunni in regard to the question of the Deputy Presidentship of the Cochin Legislative Council. Now, Sir, I have realised that "the chapter of Accidents is the Bible for fools." I have also realised

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that there must be democracy, not democracy proper, but democracy plus some hypocracy. Diluted democracy alone will thrive in the State of Cochin. I have learned that from the experience of this House. This is a very serious matter, and we are not to stifle the situation. We have raised several points. I am sure none of our serious points has been answered.

Mr. K. M. Ibrahim *(Cranganur)*: An easy way of conclusion.

Mr. President: Before I put this resolution to the vote, I wish to make clear the attitude which the official members of the Council will take with regard to this resolution. In the first place I wish to remind the Hon'ble Members that the Deputy President is elected by the whole House including the official members and that the official members are as much concerned as the non-official members to see that the business of the House is properly conducted by the Deputy President while he occupies the Chair *(Hear, hear)*. In the second place I wish to state that so far as I am aware the Deputy President is not required on his election to that office to abandon his party allegiance or his party principles. Now I have listened with great care to the speeches that have been made on this resolution. The Hon'ble Member who moved the first resolution quoted a number of references in the past proceedings of this House. I have examined all those references myself and after reading them all with extreme care, I have come to the conclusion that the reports of the proceedings as published reveal nothing improper *(Hear, hear)* on the part of the Deputy President while he occupied the Chair. The other charge against Deputy President referred to a speech which he made a short time ago on the floor of the House. Now it has been made perfectly clear by the speeches in the House today that those remarks are capable of interpretations other than those that have been put upon them by the mover of this resolution and whatever interpretation may be put upon those remarks, the fact still remains that they were not made from the Chair, but they were made on the floor of the House and that the speech does not in any way reflect upon the conduct of Deputy President as a Deputy President. For these reasons the official members of this Council will not support either of the resolutions that have been moved.

The question before the House is the resolution moved by Mr. Kumaran Ezhuthassan that "This Council do resolve that under section 19(3) of the Government of Cochin Act, XX of 1113, M. R.Ry. Rao Sahib K. Ayyappan Avl., B.A., the Deputy President of the Cochin Legislative Council be removed from his office because of the most undemocratic statement made by him on the floor of the house on 12th February 1944, namely: "I hope the Government will not be guided by the number of votes, mere number of votes, in this matter. That is my view in the matter. It is for the Government to decide in this matter. Any member has his own right to advise the Government, and the various unparliamentary ways indulged in by him while in the Chair". I ask the Hon'ble Members who are in favour of this resolution to stand in their places.

(The following Hon'ble Members voted for the resolution

Mrs. Thankamma N. Menon,

Messrs. A. V. Moothedan,	Messrs. V. K. Bhaskara Menon,
T. A. Ramachandra Ayyar,	M. Krishna Menon,
M. Nanu Menon,	K. Kunhirama Menon,
P. Narayana Menon,	K. Narayana Menon,
A. B. Selam,	P. Kumaran Ezhuthassan,
L. M. Pylee,	T. S. Ramachandra Ayyar,
A. Eachara Menon,	C. K. Nayar,
Chittur Kunhan Nambudirpad	P. P. Devassy,
C. N. Ittiravi Nambudiri,	C. K. S. Moni,
Popatlal Goverdhan Lalan,	N. Govinda Pai.

Mr. President: As less than half of the Members now on the rolls of the Council have voted in favour of this resoluion, it is not carried.

I take it that the other resolution need not be put separately.

Mr. M. Krishna Menon *(Trichur-North)*: Not necessary.

Rao Sahib K. Ayyapyan *(Ezhuvas-Kanayannur)*: Sir, I wish to make a statement. I thank the House for supporting my cause.

Mr. Joseph Petta *(Adur)*: Sir, in view of the party which is to be held soon after, will the Hon'ble President be pleased to adjourn the meeting now.

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Mr. President: I think there is no harm if we go on till 5o' clock. A party is not an excuse for an adjournment.

LEGISLATIVE BUSINESS—NON-OFFICIAL BILLS

The Cochin Court Fees Act (Amendment) Bill

Khan Sahib Ismail Haji Essa Sait *(Mattancheri):* I move that the Cochin Court Fees Act (Amendment) Bill be read in Council.

Mr. A. B. Salem *(Mattancheri):* I second it.

Khan Sahib Ismail Haji Essa Sait *(Mattancheri):* Sir, the amendment is a change which is very necessary for the country and the administration of justice. The law should not be different from what it is in the neighbouring province of Madras. The law should be on a par with what is prevalent in British India. When the law comes into force, it is good for the landlord and the tenant also. So I do hope no more words will be required for the acceptance of this amendment.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, the Government are prepared to accept the principle involved in this Bill, but the wording requires a slight modification. Of course, unless the Mover accepts this position, the Government will have to table an amendment at the next stage.

Motion put and carried.

Secretary to the Council: The title of the Bill is The Cochin Court Fees Act (Amendment) Bill.

The Cochin Code of Criminal Procedure (Amendment) Bill

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the Cochin Code of Criminal Procedure (Amendment) Bill be read in Council.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I second it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* If it is not opposed, I do not wish to make a statement.

Mr. M. Sivarama Menon *(Advocate-General):* Of course, the Government do not oppose the Bill. The principle is accepted, but I wish to make a statement in saying that the Government accept the principle of the Bill. It should not appear that this Government has ever been against the maintenance of the personal liberty of the subject. The occasion for the tabling of such a Bill arose when interpellation were made in connection with the detention of a certain person under the Defence of India Rules. When we examined the position, it was found that section 491 of the Indian Code of Criminal Procedure happened to be omitted from the Cochin Code of Criminal Procedure. The Government assert that consistent with the policy that they have been following in the matter of guaranteering the personal liberty of the subjects of the State, that they have no objection in accepting the principle of the Bill. The question as to whether certain amendments will not have to be made to the draft Bill as proposed by the Hon'ble Mover, will have to be considered in greater detail. Regard being had to the provisions in the British Indian Code of Criminal Procedure, the present Bill will have to be further examined. The principle of the Bill is accepted.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I think there is no necessity for any speech at this stage. It is only the principle of the Bill that is to be discussed and that has been accepted by the Government for which I am thankful.

Mr. President: No necessity, but I thought the Hon'ble Member might like to say something.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchri):* I speak only whenever there is necessity.

Motion put and carried

Secretary to the Council: The title of the Bill is The Cochin Code of Criminal Procedure (Amendment) Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri).* Sir, The Bill, though a small one, with only two main clauses and the first clause having only three or four sub-clauses, to me it appears that this Bill, though small, affects very important rights of subjects which though in a qualified form is admitted by the Government, it requires examination by a competent committee which can go into it and just apply their minds to certain observations made by the Hon'ble Advocate-

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